

# The City Record

Official Publication of the Council of the City of Cleveland



May the First, Two Thousand and Thirteen

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	.....16920 Throckley Avenue	44128
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

## MAYOR – Frank G. Jackson

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

## OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

### DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager  
 Engineering and Construction – Richard J. Switalski, Manager  
 Real Estate – James DeRosa, Commissioner

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

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

Frank Badalamenti, Manager, Internal Audit

### DIVISIONS:

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

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

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

### DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner  
 Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
 Utilities Fiscal Control – Dennis Nichols, Commissioner  
 Water – Alex Margevicius, Interim Commissioner  
 Water Pollution Control – Rachid Zoghbi, 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 – Antonette Thompson, Interim Commissioner  
 Property Management – Tom Nagle, Commissioner  
 Recreation – Samuel Gissentaner, Interim Commissioner  
 Streets – \_\_\_\_\_, Commissioner  
 Traffic Engineering – Robert Mavec, Commissioner  
 Waste Collection and Disposal – Randall T. Scott, Interim Commissioner

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

### DIVISIONS:

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

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

### DIVISIONS:

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

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

### DIVISIONS:

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

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

### DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner  
 Construction Permitting – Narid Hussain, Commissioner

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

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

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

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

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

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

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

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS** – Room 516, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.F. Sullivan.

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

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

**BOARD OF REVIEW** – (Municipal Income Tax) – 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** – 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, Vermeil Whalen, Nancy Cronin, Elvin Vauss.

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

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

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

### Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A  
 Judge Pinkey S. Carr – Courtroom 12B  
 Judge Marilyn B. Cassidy – Courtroom 13A  
 Judge Michelle Denise Earley – Courtroom 12C  
 Judge Emanuella Groves – Courtroom 14B  
 Judge Anita Laster Mays – Courtroom 14C  
 Judge Lauren C. Moore – Courtroom 14A  
 Judge Charles L. Patton, Jr. – Courtroom 13D  
 Judge Raymond L. Pranka (Housing Court Judge) – Courtroom 13B  
 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, Gregory A. Sims – Acting Bailiff; Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

# The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 100

WEDNESDAY, MAY 1, 2013

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## CITY COUNCIL

MONDAY APRIL 29, 2013

The City Record  
Published weekly by the City Clerk,  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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, Sweeney.

#### MONDAY

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

#### 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:** Zone, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Mitchell, Westbrook.

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

**Sustainability Sub-Committee:** Zone, Chair; Westbrook, Vice Chair; Cummins.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, April 29, 2013

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

Council Members present: Dona Brady, Anthony Brancatelli, Joe Cimperman, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, TJ Dow, Jeffrey D. Johnson, Kenneth L. Johnson, Martin J. Keane, Kevin J. Kelley, Eugene R. Miller, Mamie J. Mitchell, Michael D. Polensek, Zack Reed, Martin J. Sweeney, Jay Westbrook and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Chris Warren, Chief of Education Monyka S. Price, Chief of Communications Maureen Harper, Chief of Sustainability Jenita McGowan, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Dumas, Bender, Smith, Wasik, Butler, Flask, Cox, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich, and Ambroz.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Associate Minister Alecia Hayes, Bethany Christian Church DLC, Cleveland, Ohio (Ward 6). 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 Mitchell.

#### COMMUNICATIONS

##### File No. 623-13.

From James Hartley, Acting Director, Department of Finance, City of Cleveland — Notification of intent to issue Airport System Revenue Bonds, Series 2013A. Received.

##### File No. 624-13.

From Jane Fumich, Director, Department of Aging, City of Cleveland — Notification of acceptance of a grant from Cleveland Foundation. Received.

#### PLATS

##### File No. 628-13.

Dedication Plat — Garden Valley Home Estates Revitalization Phase I, East 72nd Street, East 72nd Place, Rouse Avenue, Bell Avenue.

Approved by Committees on City Planning and Public Service.

Without objection, Plat approved. Yeas 18. Nays 0.

##### File No. 629-13.

Partition and Dedication Plat — Innerbelt Bridge relocation and new construction — East 9th Street Extension, Pittsburgh Avenue, Commercial Road, Broadway Avenue, S.E.

Approved by Committees on City Planning and Public Service.

Without objection, Plat approved. Yeas 18. Nays 0.

#### FROM OHIO DIVISION OF LIQUOR CONTROL

##### File No. 625-13.

RE: #2403479 C1 C2 — Transfer Ownership Application — Eastside Grocery, Inc., 3218 East 135th Street, (Ward 4). Received.

##### File No. 626-13.

RE: #4969802 D5J — New License Application — Lago Flats LLC, 1091 West 10th Street. (Ward 3). Received.

##### File No. 627-13.

RE: #5950070 Liquor Agency Contract Application — Miles Management Corp., 4127 East 131st Street. (Ward 2). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 636-13**—Lula Mae Sullivan.

**Res. No. 637-13**—Willie Starkey.

**Res. No. 638-13**—Ruth Ann Higgins.

**Res. No. 639-13**—John Morrison, Jr.

**Res. No. 640-13**—Helen L. Womack.

**Res. No. 641-13**—Douglas F. Moltz.

#### CONGRATULATIONS RESOLUTIONS

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

**Res. No. 642-13**—Mayor Daniel S. Pocek.

**Res. No. 643-13**—Zion Evangelical Lutheran Church — 170th Anniversary.

**Res. No. 644-13**—Greg Johnson.

**Res. No. 645-13**—Sandra Lee Flowers.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 597-13.**

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

An emergency ordinance to amend Section 193.02 and 193.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 252-A-83, passed June 15, 1983, relating to transient occupancy tax definitions and purpose, rate and application of tax; and to repeal Section 193.031, as amended by Ordinance No. 682-09, passed May 18, 2009, relating to expansion of levy and additional purpose of tax.

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

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

**Section 1.** That Sections 193.02 and 193.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 252-A-83, passed June 15, 1983, are amended to read as follows:

##### Section 193.02 Definitions

As used in this chapter:

(a) "Administrator" means the Commissioner of Assessments and Licenses or his or her authorized representative.

(b) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where lodging is offered to guests, in which five (5) or more rooms are used for the accommodation of such guests, whether such rooms are in one (1) or several structures.

(c) "Transaction" means the amount paid, or to be paid, by, or on behalf of, a transient guest to a hotel; or where no such consideration is paid by, or on behalf of, such a transient guest, the maximum actual rate in effect on the date of the transaction for such lodging as posted pursuant to RC 3731.16.

(d) "Transient guest" or "Transient guests" means a person or persons occupying a room or rooms for lodging for less than thirty (30) consecutive days.

(e) "Vendor" means the person who is the owner or operator of the hotel and who furnishes the lodging.

##### Section 193.03 Purpose, Rate and Application of Tax

(a) There is hereby levied an excise tax of three percent (3%) on transactions by which lodging by a hotel is,

or is to be, furnished to transient guests.

(b) The excise tax levied under this chapter shall provide revenue for the purposes of general municipal operations, procurement of fixed assets or permanent improvements, payment of debt charges, the elimination of deficits in City funds and for all other lawful purposes. To carry out such purposes, the receipts of the tax levied under this chapter shall be deposited to the credit of the General Fund.

(c) The tax, which shall be known as the transient occupancy tax, applies and is collectible at the time the lodging is furnished, regardless of the time when the price is paid. The tax shall not apply to transactions by which lodging is furnished to:

(1) the Federal government, the State or any of its political subdivisions; or

(2) a person maintaining occupancy for a period of thirty (30) or more consecutive days; provided, however, that for purposes of this division, where an occupant is not a natural person, such occupant shall be deemed the non-natural occupant's employee, agent, guest, or other authorized individual registered with the hotel for lodging. No occupancy may be used in combination with the occupancy of another, regardless of the source of payment, to exempt a transaction under this section.

(d) For the purpose of the proper administration of this chapter and to prevent the evasion of the tax, it shall be presumed that all lodging furnished by hotels in the City to transient guests is subject to the tax until the contrary is established.

**Section 2.** That existing Sections 193.02 and 193.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 252-A-83, passed June 15, 1983, and Section 193.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 682-09, passed May 18, 2009, are repealed.

**Section 3.** That the amendment and the repeal under this ordinance of existing Sections 193.02, 193.03, and 193.031 of the Codified Ordinances of Cleveland, Ohio, as enacted and amended by various ordinances, shall be effective June 1, 2013.

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

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

**Ord. No. 598-13.**

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

An emergency ordinance to amend Sections 443.01, 443.011, 443.05, 443.051, 443.11, 443.131, 443.14, 443.17, 443.20, 443.37, and 443.38, as amended by various ordinances relating to taxicabs; and to supplement the codified ordinances by enacting new Section 443.99, relating to penalties.

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:

Section 443.01, as amended by Ordinance No. 1828-78, passed June 12, 1978;

Section 443.011, as amended by Ordinance No. 2459-A-91, passed December 14, 1992;

Section 443.05, as amended by Ordinance No. 278-93, passed June 14, 1993;

Section 443.051, as amended by Ordinance No. 995-2000, passed December 4, 2000.

Section 443.11, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 443.131, as amended by Ordinance No. 1828-77, passed June 8, 1978, Sections 443.14 and 443.17, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 443.20, as amended by Ordinance No. 2393-03, passed February 3, 2003, and

Sections 443.37 and 443.38, as amended by Ordinance No. 1820-06, passed December 11, 2006,

are amended to read as follows:

##### Section 443.01 Jurisdiction

The licensing and inspection of public hacks, the inspecting and sealing of taximeters, the examining of applicants for a license to drive such public hacks, and the licensing of drivers, as hereinafter provided, and the enforcing of the provisions of this chapter shall be under the control of the **Division of Assessments and Licenses, through its Commissioner, or his designee.**

##### Section 443.011 Definitions

As used in this chapter, certain terms are defined as follows:

(a) "Association" means a society, whether incorporated or not, organized for the purpose of benefitting a group of not less than twenty-five (25) owners of public hacks by providing for its members, dispatching services, a uniform and distinctive color scheme, and collection and maintenance of operating records.

(b) "Company" means any person, partnership or corporation owning twenty-five (25) or more public hacks having a uniform distinctive color scheme.

(c) "Driver" means the person in actual physical control of a public hack.

(d) "Independent operator" means any owner to whom either of the following applies:

(1) Is the owner of less than twenty-five (25) public hacks;

(2) Does not provide his or her own dispatching services.

(e) "Owner" means any natural person, partnership or corporation having legal or equitable title to a public hack and includes lessors.

(f) "Public hack" or "Hack" means any public vehicle whose owner or driver secures or accepts passengers for hire on the public streets, or in public or quasi-public places, including, but not limited to, hotels as defined by Section 363.08, and excepting carriages as defined in division (a) of Section 447.01 and vehicles operated by the Cleveland Regional Transit Authority.

##### Section 443.05 Inspection Prior to Licensing Vehicles; Fee

(a) No license shall be granted for a vehicle over two (2) years old, except that an existing license for a vehicle

not more than five (5) years old may be renewed if the Commissioner of Assessments and Licenses determines, after careful inspection of the vehicle, that it is in a thoroughly safe condition for the transportation of passengers, clean, fit, of good appearance, and well painted. For purposes of this section, the age of the vehicle shall be determined by comparing the calendar year in which the application for license is being considered to the model year of the vehicle.

(b) When licenses or renewals of existing licenses are issued for any public hacks which may have been disabled, disqualified, sold or may otherwise not be available at the time of the granting of such licenses, no such vehicle which may thereafter be acquired for use in connection with any such licenses shall be placed in operation until it has been thoroughly and carefully inspected and examined and found to be in a thoroughly safe condition for the transportation of passengers, clean, fit, of good appearance and well painted. The Commissioner of Assessments and Licenses shall thereafter make inspections of such vehicles at least semiannually and may make inspections more frequently at his or her discretion.

(c) The Commissioner shall refuse to permit the operation of any vehicle found by him or her to be unfit or unsuited for public patronage or to which a taximeter or acceptable radio receiver and transmitter is not affixed. He or she shall examine any taximeter attached to any public hack and see that the same is accurate before permitting the use thereof upon any public hack which may be placed in operation. The Commissioner is authorized and empowered to establish reasonable rules and regulations for the inspection of public hacks and their appurtenances, construction and condition of fitness.

**(d) The Commissioner is authorized to charge and collect an inspection fee of fifty dollars (\$50.00) per hour, or any portion thereof, for any inspection performed under this section.**

#### **Section 443.051 Required Equipment for Taxicabs**

(a) Each taxicab shall be equipped with at least one (1) of the following:

(1) A safety partition meeting the requirements of division (b) to completely separate the driver from the passenger section of the taxicab, and power windows and door locks that can be operated by the driver; or

(2) A surveillance camera or cameras meeting the requirements of division (c); or

(3) A safe meeting the requirements of division (d).

The Commissioner shall inspect each taxicab for compliance with these requirements as part of the vehicle inspections conducted pursuant to Section 443.05.

(b) All safety partitions installed in taxicabs shall meet the following design standards, and such additional requirements as may be established by regulation:

(1) The partition shall be constructed of a bullet-resistant material;

(2) The partition shall be designed to prevent a person in the passenger compartment from reaching the driver;

(3) The partition shall be designed to afford the driver safe rearview vision;

(4) The design of the partition shall allow for ventilation and heat to the passenger compartment of the vehicle;

(5) The partition shall be designed to enable the driver to collect payment without leaving the vehicle, by use of a change slot, sliding partition, or similar means;

(6) The partition shall not contain any sharp edges or sharp points that may injure the driver or passengers.

(c) All surveillance cameras installed in taxicabs shall be suitable in design and placement to record the actions of the driver and passengers and, without limiting the scope of this requirement, suitable in design and placement to record acts or attempted acts of violence or criminal conduct. The camera(s) shall meet such additional requirements as may be established by regulation.

(d) All safes installed in taxicabs shall be suitable in design to provide a taxicab driver with the ability to deposit money in a safe that may not be removed from the taxicab and may only be opened under limited circumstances so as to protect the driver of the taxicab. The safe shall meet any additional requirements that may be established by regulation. Each taxicab driver with a safe shall possess no more than ten dollars (\$10.00) in cash and a sign shall be posted conspicuously stating, "Driver carries no more than \$10.00 in cash." Such sign shall be legible from the interior and exterior of the taxicab.

**(e) Equipment necessary to enable the driver to accept and process credit and debit card payments for all fares and charges due.**

(f) No taxicab company, association or independent operator shall increase its drivers' lease rates for the cost of compliance with this section. Any increase in drivers' expenses that may otherwise be allowable under Section 443.261 may not be implemented unless the taxicab company, association or independent operator first certifies to the Commissioner by affidavit that the costs of compliance with this section will not be borne by the taxicab drivers. The Commissioner may require the taxicab company, association or independent operator to produce books and records to demonstrate compliance with this division.

(g) The Commissioner of Assessments and Licenses is hereby authorized to issue such rules and regulations, not inconsistent with the provisions of this chapter, as the Commissioner deems necessary to carry out the provisions of this section, **including equipment specifications, card payment processing rules, and regulations related to credit card surcharges.** Such rules and regulations shall become effective ten (10) days after their publication in the *City Record*.

#### **Section 443.11 Inspection Time and Reports; Fee**

The Commissioner of Assessments and Licenses shall maintain constant vigilance over all public hacks, to see that they are kept in a condition of continued fitness for public use. To this end, the Commissioner, through his or her inspectors, shall periodically inspect all public hacks, or on the complaint of any citizen, as often as may be necessary. **The Commissioner is authorized to set any number of mandatory inspections at such times**

**and places as determined by the Commissioner for purposes of inspection. Failure to submit to a required inspection shall result in the revocation of license. The Commissioner is authorized to set the standards of any inspection conducted under this chapter. Copies of such standards shall be made available seven (7) days before the inspection, and upon request. The Commissioner is authorized to charge and collect an inspection fee of fifty dollars (\$50.00) per hour, or any portion thereof, for any inspection performed under this section.** Reports in writing of all inspections shall promptly be made to the Commissioner.

#### **Section 443.131 Convictions Which Bar Issuance of Drivers' License**

No driver's license shall be issued if the applicant has been convicted of any of the following offenses:

(a) Manslaughter, or negligent homicide, resulting from the operating of a motor vehicle;

(b) Driving a motor vehicle while under the influence of intoxicating liquors or drugs. Any conviction under this subsection shall not be a bar to the issuance of a license if the conviction occurred more than five (5) years prior to the date of application; or upon a recommendation of the Commissioner more than three (3) years from the date of application for a license;

(c) Any felony in the commission of which a motor vehicle was used;

(d) Failure to stop and render aid as required under the laws of this State, or leaving the scene of an accident as specified by the laws of this State;

(e) Perjury or false swearing in making any statement under oath in connection with his or her application for driver's license;

(f) Conviction, or forfeiture of bail, not vacated, upon three (3) charges of a violation of the motor vehicle laws of this state **that are classified or determined by the Commissioner to be moving violations, within the most recent twelve month period;**

(g) Conviction of the violation of any law involving violence, theft or any form of stealing, or any crime involving moral turpitude that is reasonably related to the license referred to herein, within five (5) years preceding the filing of the application for such license;

(h) Repeated violations of the City ordinances, which affect the safety of human life or limb on the streets of the City;

(i) Possession by a taxicab operator within his or her taxicab of opened or unopened beer, whiskey or wine, or of drugs or other stimulants not specifically prescribed for him or her by a medical doctor for his or her private use, or of gambling equipment or paraphernalia, stolen goods or any contraband property of any kind.

#### **Section 443.14 Examination of Drivers**

(a) Each applicant for a driver's license under the provisions of this chapter, shall be examined by a person designated by the Commissioner of Assessments and Licenses as to his or her knowledge of the provisions of this chapter, the City Traffic Code, and the geography of the City. **Each applicant must, if required by the Commissioner, demonstrate his or her skill and ability to safely handle his**

or her vehicle, by driving it through a crowded section of the City, accompanied by a City inspector. If the result of any examination is unsatisfactory, the applicant shall be refused a license.

(b) The Commissioner is authorized to require an applicant subject to an unsatisfactory examination in division (a) of this section to attend remedial driver education courses approved by the Commissioner before such applicant may again apply for a license.

(c) The Commissioner is authorized to develop and implement a continuing education program and require the attendance of drivers and owners as a condition of licensure. Program requirements developed under this section shall be promulgated by regulation and published in the City Record. Notice of attendance requirements to drivers and owners shall be served by United States mail, first class, to the address of record for the licensee.

**Section 443.17 Temporary Permit Issuance; Term; Fee**

Except when an extraordinary public emergency arises affecting transportation of the public upon the streets within the City, such temporary permits when issued shall be upon such terms and conditions as the Commissioner of Assessments and Licenses shall provide, but such temporary permit shall in no event be granted for a longer period than fifteen (15) days, and may be renewable for similar periods, as necessary, only upon the written recommendation of the Commissioner made to Council, and approved by it.

The fee for such temporary permit shall be **sixty dollars (\$60.00)** for the driver and **seventy-five dollars (\$75.00)** for the hack or vehicle.

**Section 443.20 Fee for Drivers' Licenses**

A license fee of **sixty dollars (\$60.00)** shall be paid for a driver's license, and for renewals.

**Section 443.37 Taxicab Passenger Bill of Rights**

(a) No owner or driver shall operate or permit to be operated his or her taxicab unless a Taxicab Passenger Bill of Rights, rate card, and other information required to be posted by regulations are securely affixed to the rear passenger windows of every taxicab in operation. The Taxicab Passenger Bill of Rights shall be in a form provided by the Commissioner, which form shall state that all taxicab passengers have a right to:

- (1) **Ride with a driver, who:**
- A. is well-groom and appropriately dressed;**
  - B. is courteous;**
  - C. speaks English;**
  - D. is knowledgeable about the metropolitan area;**
  - E. obeys all traffic laws;**
  - F. does not use a cell phone for calls and/or texting while driving, including hand-held or hands-free devices;**
- (2) **Ride in a safe, clean, and well-maintained taxi that has:**
- A. working air conditioning and heat, as appropriate;**
  - B. clean cabin air that is smoke and chemical free;**
  - C. reasonable silence;**
  - D. working seatbelts for all passengers;**
  - E. a clean cabin, exterior, and trunk;**

(3) **Take the most direct or shortest route to your destination, or to direct the route of your choice;**

(4) **Receive a receipt with information identifying the taxicab;**

(5) **Pay for your ride with a credit/debit card;**

(6) **Be accompanied by a service animal; and**

(7) **Eliminate or reduce your tip for poor service.**

(b) The Taxicab Passenger Bill of Rights shall display in plain view of every passenger the phone number for registering complaints.

(d) A driver or owner who fails to display a Taxicab Passenger Bill of Rights as set forth in this section shall be fined one hundred dollars (\$100.00) for each such failure to display said Taxicab Passenger Bill of Rights.

**Section 443.38 Fines for Violating Rules and Regulations**

(a) The Commissioner of Assessments and Licenses shall have the authority to set and assess fines to taxicab owners, taxicab drivers, and/or taxicab companies for violations of the Rules and Regulations governing their conduct as published in the City Record.

(b) The authority to assess fines under this section does not limit or affect any criminal offense, or the authority of the Commissioner to suspend or revoke a license under Section 443.36, or any other means of enforcement of this chapter provided for in these Codified Ordinances.

(c) **Any fine levied under division (a) of this section, or a regulation promulgated thereunder, for a conviction of a non-moving violation of the traffic laws of this State, or any political subdivision thereof, shall result in a fine issued exclusively to the taxicab owner. For purposes of this division, a taxicab owner is the person holding legal title to the motor vehicle used as a taxicab, regardless of any lease or other contract governing to possession and use of such vehicle for use as a taxicab.**

**Section 2.** That the existing following:

Section 443.01, as amended by Ordinance No. 1828-78, passed June 12, 1978;

Section 443.011, as amended by Ordinance No. 2459-A-91, passed December 14, 1992;

Section 443.05, as amended by Ordinance No. 278-93, passed June 14, 1993;

Section 443.051, as amended by Ordinance No. 995-2000, passed December 4, 2000,

Section 443.11, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 443.131, as amended by Ordinance No. 1828-77, passed June 8, 1978,

Sections 443.14 and 443.17, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 443.20, as amended by Ordinance no. 2393-03, passed February 3, 2003, and

Sections 443.37 and 443.38, as amended by Ordinance No. 1820-06, passed December 11, 2006, are repealed.

**Section 3.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 443.99 to read as follows:

**Section 443.99 Penalties**

Whoever violates any provision of this chapter, or any regulation lawfully adopted pursuant thereto, is

guilty of a minor misdemeanor on a first offense; on a second offense within one (1) year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one (1) year after the first offense such person is guilty of a misdemeanor of the third degree. In addition to any other method of enforcement provided for in this chapter, any violation of the provisions of this chapter which is a minor misdemeanor may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

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

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

**Ord. No. 599-13.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Cities Readiness Initiative Program; authorizing one or more contracts with the Cuyahoga County Board of Health; and authorizing the purchase or lease of television and radio advertising time and other media.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$562,368, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the Cities Readiness Initiative ("CRI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 599-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

**Section 5.** That 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 Health 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. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

**Section 6.** That the Director of Public Health is authorized to enter into one or more contracts with the Cuyahoga County Board of Health to implement the grant as described in the file.

**Section 7.** That the Director of Public Health is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase or lease, during the grant term, of television and radio advertising time and other media, for the Department of Public Health.

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

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

**Ord. No. 600-13.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2012 Ohio Drug Law Enforcement Fund Grant; and authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to implement the grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$249,999.75, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the 2012 Ohio Drug Law Enforcement Fund Grant; 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. 600-13-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 \$83,333.25 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. (RQS 6001, RL 2013-58)

**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 materials, equipment, supplies, and services needed to implement the grant, 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 delivery order against the contract or contracts certified by the Director of Finance.

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

**Section 7.** That the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and from the cash match.

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

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

**Ord. No. 601-13.**

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

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

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

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

**Section 1.** That CDBG funds in the amount of \$186,000 are appropriated for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative costs to implement the programs.

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

**Section 3.** That the aggregate cost of the contracts and administrative costs shall not exceed \$186,000 and shall be paid from Fund 14 SF 039, Request No. RQS 8006, RL 2013-64.

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

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

**Ord. No. 602-13.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 39 from the United States Government; and

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

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

**Section 1.** That Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 039, RQS 8006, RL 2013-61, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program following the appropriate federal regulations for the Department of Building and Housing, in conjunction with the Community Development Block Grant Program.

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

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

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

**Ord. No. 603-13.  
By Council Members Brancatelli  
and Kelley (by departmental  
request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into contracts with one or more non-profit agencies to operate a community gardening program.

**Section 2.** That the cost of the contract or contracts shall not exceed \$129,400, and shall be paid from Fund Nos. 14 SF 039, Request No. RQS 8006, RL 2013-65.

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

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

**Ord. No. 604-13.  
By Council Members Brancatelli  
and Kelley (by departmental  
request).**

**An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up 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 Community Development Block Grant funds in the amount of \$780,800 from Fund No. 14 SF 039, RQS 8006, RL 2013-59, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 19 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to implement the Demolition Program and emergency contracts under the Board-up Program.

**Section 3.** That the Director of Building and Housing is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland,

Ohio, 1976, for the requirements for a one or two year period for the items of labor and materials necessary to implement the Board-up Program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Building and Housing is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Building and Housing by comparing the bids received for both terms.

**Section 4.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

**Section 5.** That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

**Section 6.** That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize the repayments and other program income in a revolving fund for making additional expenditures under this program, and the funds are appropriated for that purpose.

**Section 7.** That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

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

**Ord. No. 605-13.  
By Council Members Brancatelli  
and Kelley (by departmental  
request).**

**An emergency ordinance appropriating Community Development Block Grant and HOME funds for administrative expenses of the Department of Community Development.**

Whereas, the City of Cleveland has received Community Development Block Grant, Year 39 funds from the United States Government; and

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

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

**Section 1.** That Community Development Block Grant funds in the amount of \$4,287,200 from Fund No. 14 SF 039 and HOME funds in the amount of \$370,000 from Fund No. 19 SF 670 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$4,321,000
Other	336,200

**Section 2.** That the Director of Community Development is authorized to expend funds and enter into contracts for reimbursement of non-profit sub-recipients for the cost of audit and other professional services.

**Section 3.** That the costs of the contracts authorized in this ordinance shall be paid from Fund No. 14 SF 039 and Fund No. 19 SF 670.

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

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

**Ord. No. 606-13.  
By Council Members Brancatelli  
and Kelley (by departmental  
request).**

**An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.**

Whereas, the City of Cleveland has received a Community Development Block Grant ("CDBG"), Year 39 from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year 39 Community Development Block Grant Plan which committed funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

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

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

**Section 1.** That the Director of Community Development, after receiving the approval stated in Sec-



tion 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, non-profit corporations, private for-profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metropolitan Parks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant CDBG Program and are consistent with the City's Community Development objectives and policies.

**Section 2.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

**Section 3.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

**Section 4.** That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

**Section 5.** That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$7,600,000.00 and any prior years NDA balances and shall be paid from Fund Nos. 14 SF 037, 14 SF 038, and 14 SF 039.

**Section 6.** That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

**Section 7.** That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to

evidence and secure repayment of loans made under this program.

**Section 8.** That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

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

**Ord. No. 607-13.**  
**By Council Members Brancatelli, Miller and Kelley (by departmental request).**

**An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Public Works to enter into one or more contracts with various agencies to implement the Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 39, from the United States Government; and

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

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

**Section 1.** That Community Development Block Grant funds in the amount of Eight Hundred Fifty-Seven Thousand Two Hundred Dollars (\$857,200) from Fund Nos. 14 SF 039, RQS 8006, RL 2013-60, are appropriated for costs of the Department of Public Works incurred from Fund 19 following the appropriate federal regulations and associated with conducting the Project Clean Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Public Works is authorized to enter into one or more contracts with various non-profit and for-profit agencies to provide services necessary to implement the Project Clean Program.

**Section 3.** That prior to expending funds under this ordinance, the Director of Public Works and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

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

**Ord. No. 608-13.**  
**By Council Members Brancatelli, Cimperman and Kelley (by departmental request).**

**An emergency ordinance appropriating Community Development Block Grant funds and Emergency Solutions Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP), CHORE, and Homeless Services Programs.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 39, from the United States Government; and

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

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

**Section 1.** That Community Development Block Grant funds in the amount of Two Hundred Eighty Thousand Dollars (\$280,000) from Fund No. 14 SF 039 are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Senior Homeowners Assistance Program ("SHAP"), and CHORE in conjunction with the Community Development Block Grant Program. (RQS 8006, RL 2013-63)

**Section 2.** That Emergency Solutions Grant funds in the amount of Sixty Thousand Dollars (\$60,000) from Fund No. 19 SF 671 are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Homeless Services Program. (RQS 8006, RL 2013-63)

**Section 3.** That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Referred to Directors of Community Development, Aging, Finance, Law; Committees on Community and Economic Development, Health and Human Services, Finance.

**Ord. No. 609-13.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into amendments to Contract No. 35112, as amended, with Eliza Bryant Village, formerly Eliza Bryant Center, to accept discount prepayments of its UDAG loan regarding acquisition of land and construction of a nursing care facility and senior center at 1380 Addison Road.**

Whereas, the current owners of the Eliza Bryant Village, formerly Eliza Bryant Center ("Eliza Bryant"), have requested the opportunity to prepay the \$565,390, four percent (4 %) interest loan (Contract No. 35112, as amended) at its net present value determined by discounting by a rate of nine and seventy-five percent (9.75%) the principal payment no later than July 31, 2013; and

Whereas, this ordinance allows the Department of Economic Development to use the lump sum repayments for other City programs or neighborhood housing projects in need of financial assistance; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, 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. 35112, as amended, with Eliza Bryant, to accept a discounted prepayment of the UDAG loan.

**Section 2.** That the Director of Economic Development is authorized to accept on behalf of the City, a discounted prepayment from Eliza Bryant to be paid to the City, in an amount equal to the net present value of the loan using a discount rate equal to nine and seventy-five percent (9.75%) in full satisfaction of its loan of \$565,390 due no later than July 31, 2013, which loan originally was made to partially finance the acquisition of land and construction of a nursing care facility and senior center at 1380 Addison Road. That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the prepayment.

**Section 3.** That the amendments authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions that the director deems necessary to protect and benefit the public interest.

**Section 4.** That the Director of Economic Development is authorized to release any and all collateral taken to secure repayments of the UDAG loan and to execute all documents necessary to release the collateral of the loan. Any release of security instruments shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is authorized to deposit the prepayments into Fund No. 17 SF 006.

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

**Ord. No. 610-13.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2010-308 with Adacel Systems Inc. to provide technical training and development content in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport.**

Whereas, under the authority of Ordinance No. 1404-07, passed November 12, 2007, the Director of Port Control entered into Contract No. PS 2010-308 with Adacel Systems, Inc. to provide technical training and development content in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport; and

Whereas, Ordinance No. 1404-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS 2010-308 for an additional year, with Adacel Systems Inc. to provide technical training and development content in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1404-07 to exercise this option. The cost of the contract shall not exceed \$17,701 and shall be paid from Fund No. 60 SF 001, Request No. 3001, RL 2013-46.

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

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

**Ord. No. 611-13.**

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

**An emergency ordinance authorizing the Director of Public Utilities to exercise the second option to renew Contract No. PS 2011-200 with Big Wireless, LLC to provide level 3 technical support and preventive maintenance for wireless equipment under this contract, including cable and connectors.**

Whereas, under the authority of Ordinance No. 679-11, passed June 6, 2011, the Director of Public Utilities entered into Contract No. PS 2011-200 with Big Wireless, LLC to provide level 3 technical support and preventive maintenance for wireless equipment under this contract, including cable and connectors; and

Whereas, Ordinance No. 679-11 requires further legislation before exercising the second option to renew on this contract; and

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

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

**Section 1.** That the Director of Public Utilities is authorized to exercise the second option to renew Contract No. PS 2011-200 for an additional year in the amount of \$83,000

with Big Wireless, LLC to provide level 3 technical support and preventive maintenance for wireless equipment under this contract, including cable and connectors. This ordinance constitutes the additional legislative authority required by Ordinance No. 679-11 to exercise this option. (RQS 2002, RL 2013-40)

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

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

**Ord. No. 612-13.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Revenue Assistance Corporation, or their designee, to provide economic development assistance as an incentive to relocate to 4780 Hinckley Parkway in the City of Cleveland.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with Revenue Assistance Corporation, or their designee, to provide economic development assistance as an incentive to relocate to 4780 Hinckley Parkway in the City of Cleveland.

**Section 2.** That the costs of the grant shall not exceed an amount of \$202,500.00 and shall be paid from Fund No. 17 SF 652, Request No. RQS 9501, RL 2013-55.

**Section 3.** That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

**Section 4.** That the contract authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants 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 circumstances relate to the duties for the particular job sought.

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

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

**Ord. No. 613-13.**

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

**An emergency ordinance to amend Sections 36, 38, and 56 of Ordinance No. 1689-11, passed November 28, 2011, as amended by various ordinances, relating to compensation for various classifications.**

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

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

**Section 1.** That the following:

Section 36, as enacted by Ordinance No. 1689-11, passed November 28, 2011,

Section 38, as enacted by Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 1724-12, passed December 3, 2012, and

Section 56, as enacted by Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 610-12, passed May 21, 2012, Ordinance No. 1537-12, passed November 12, 2012, and Ordinance No. 1701-12, passed December 3, 2012,

are amended to read as follows:

**Section 36.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Accountant Supervisor .....	23,647.11	72,539.05
2. Assistant Chief of Water Distribution.....	23,647.11	86,668.37
3. Assistant Commissioner of Assessments and Licenses	23,647.11	84,588.76
4. Assistant Commissioner, Division of Printing and Reproduction .....	23,647.11	84,588.76
5. Building Manager.....	23,647.11	78,080.22
6. Business Process Analyst.....	55,000.00	97,850.00
7. Chief Architect.....	23,647.11	101,803.14
8. Chief Auditor - Utilities.....	23,647.11	84,588.76
9. Chief City Planner.....	30,000.00	82,781.08
10. Chief, Computer Operations.....	23,647.11	84,588.76
11. Chief Engineer - Civil.....	23,647.11	84,588.76
12. Chief Engineer - Mechanical.....	23,647.11	84,588.76
13. Chief Legal Investigator - Civil Branch .....	23,647.11	67,017.93
14. Chief of Street Lighting and Electrical Services .....	23,647.11	97,572.42
15. Chief of Laboratories.....	23,647.11	80,353.75
16. Chief of Purification.....	23,647.11	86,668.37
17. Convention Manager.....	23,647.11	78,080.22
18. <b>Development Finance Analyst I.....</b>	<b>43,014.40</b>	<b>60,216.00</b>
19. <b>Development Finance Analyst II.....</b>	<b>51,043.20</b>	<b>71,468.80</b>
20. Financial Systems Coordinator.....	23,647.11	67,017.93
21. Fiscal Grants Administrator.....	40,000.00	86,093.31
22. Fiscal Manager.....	23,647.11	84,588.76
23. Health Promotion Coordinator.....	22,333.40	77,262.20
24. Investment Manager.....	23,647.11	84,588.76
25. Manager of Enterprise Unit.....	23,647.11	78,080.22
26. Manager of Events.....	23,647.11	78,080.22
27. Manager of General Maintenance.....	23,647.11	78,080.22
28. Manager of Markets.....	23,647.11	78,080.22
29. Manager of Parking.....	23,647.11	78,080.22
30. Manager of Recreation.....	40,000.00	78,080.22
31. Master Plan Examiner.....	23,647.11	101,803.14
32. Purchasing Supervisor - Division of Purchases and Supplies.....	23,647.11	67,017.93
33. Secretary to the Board of Building Standards and Building Appeals.....	23,647.11	82,781.08
34. Secretary to the Board of Zoning Appeals .....	23,647.11	82,781.08
35. Security Manager.....	23,647.11	90,684.96
36. Senior Internal Auditor.....	23,647.11	67,017.93
37. Senior Programmer Analyst.....	23,647.11	69,365.01
38. Supervisor - Information Control.....	23,647.11	67,017.93
39. Theatrical Manager.....	23,647.11	67,017.93
40. Water Plant Manager.....	23,647.11	97,572.42

**Section 38.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Administrative Manager.....	27,193.55	101,816.22
2. Assistant Commissioner of Water.....	27,325.56	122,253.61
3. Assistant Secretary of Sinking Fund Commission.....	27,325.56	97,819.83
4. Chief of Health Planning and Evaluation.....	27,325.56	77,502.92
5. Chief-Systems Analysis.....	27,325.56	97,819.83
6. Consulting Engineer.....	36,000.00	94,991.29
7. Harbor Manager.....	27,325.56	97,819.83
8. Labor Relations Officer.....	27,325.56	77,502.92
9. <b>Manager of Compensation and Classifications.....</b>	<b>27,325.56</b>	<b>87,664.94</b>

<b>10.</b>	<b>Manager of Education and Research .....</b>	<b>27,325.56</b>	<b>87,664.94</b>
<b>11.</b>	Manager of Employee Relations .....	27,325.56	90,294.89
<b>12.</b>	Manager of Equal Employment Opportunity.....	27,325.56	90,294.89
<b>13.</b>	Minority Business Development Administrator.....	27,325.56	77,502.92
<b>12.</b>	Project Coordinator .....	27,325.56	90,294.89
<b>15.</b>	Risk Manager.....	27,325.56	97,819.83
<b>16.</b>	Superintendent of Electric Trouble Operations .....	27,325.56	77,502.92
<b>17.</b>	Water Business Plan Manager.....	27,325.56	90,294.89
<b>18.</b>	Health Services Administrator.....	27,325.56	77,502.92

**Section 56. Division of Police; Various Positions**

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

	<b>Minimum</b>	<b>Maximum</b>
<b>1. Forensic Video Specialist .....</b>	<b>50,000.00</b>	<b>75,000.00</b>
<b>2. Crime Analyst I.....</b>	<b>38,000.00</b>	<b>52,000.00</b>
<b>3. Crime Analyst II.....</b>	<b>53,000.00</b>	<b>65,000.00</b>
<b>4. Crime Analyst III.....</b>	<b>66,000.00</b>	<b>80,000.00</b>
<b>5. Intelligence Analyst I.....</b>	<b>38,000.00</b>	<b>52,000.00</b>
<b>6. Intelligence Analyst II.....</b>	<b>53,000.00</b>	<b>65,000.00</b>
<b>7. Intelligence Analyst III.....</b>	<b>66,000.00</b>	<b>80,000.00</b>
<b>8. Occupational Medical Director.....</b>	<b>43,107.75</b>	<b>82,687.47</b>
<b>9. Police Stress Consultant.....</b>	<b>75,000.00</b>	<b>125,000.00</b>
<b>10. Public Safety Information Technology Manager.....</b>	<b>65,000.00</b>	<b>110,000.00</b>

**Section 2.** That the existing following:

Section 36, as enacted by Ordinance No. 1689-11, passed November 28, 2011,

Section 38, as enacted by Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 1724-12, passed December 3, 2012, and

Section 56, as enacted by Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 610-12, passed May 21, 2012, Ordinance No. 1537-12, passed November 12, 2012, and Ordinance No. 1701-12, passed December 3, 2012, are repealed.

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

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

**Ord. No. 614-13.**

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

**An emergency ordinance determining the method of making the public improvement of constructing the East 149th Street area sewer rehabilitation and replacement, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the East 149th Street area sewer rehabilitation and replacement, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 2.** That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after com-

petitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 3.** That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. RQS 2003, RL 2013-49.

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

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

**Ord. No. 615-13.**

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

**An emergency ordinance determining the method of making the public improvement of constructing the Milligan Avenue area sewer rehabilitation and replacement, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the Milligan Avenue area sewer rehabilitation and replacement, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 2.** That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 3.** That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. RQS 2003, RL 2013-50.

**Section 4.** That this ordinance is declared to be an emergency measure

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

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

**Ord. No. 616-13.**

**By Council Members Westbrook, Brady, Pruitt, Cleveland and Kelley (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of constructing the West Boulevard area sewer replacement, which may include but not be limited to installing man-holes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the West Boulevard area sewer replacement, which may include but not be limited to installing man-holes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 2.** That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 3.** That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. RQS 2003, RL 2013-48.

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

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

**Ord. No. 617-13.**

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

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to develop and assist in implementing an Integrated Resources Plan for the various divisions of the Department of Public**

**Utilities, and to perform related services, including updates and support for a period not to exceed three years with two one-year options to renew, exercisable by the Director of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop and assist in implementing an Integrated Resources Plan ("IRP") for the various divisions of the Department of Public Utilities, and to perform related services, including updates and support for a period not to exceed three years with two one-year options to renew, exercisable by the Director of Public Utilities. The IRP shall include, but not be limited to, forecasting; performing market analysis, reviewing current programs, evaluating current supply, performing annual reviews and making recommendations to ensure consistency with the IRP and with industry changes, and other services necessary to implement the IRP.

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

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, 54 SF 001, 58 SF 001, Request No. RQS 2004, RL 2013-92.

**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. 618-13.**

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

**An emergency ordinance authorizing the Director of Human Resources to employ one or more consultants or one or more firms of consultants to provide professional services for pre-employment background and criminal checks for the Department of Human Resources for a one year period, with two one-year options to renew, the second of which requires additional legislation.**

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 Human Resources 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 administer pre-employment background and criminal records checks; and including but not limited to automated national wanted felon checks; automated motor vehicle license and points checks; automated workers' compensation checks; automated social security traces and automated credit checks for the Department of Human Resources, for a one year period, with two one-year options to renew, the second of which requires additional legislation.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Human Resources from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Human Resources 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 Human Resources, and certified by the Director of Finance.

**Section 2.** That the costs of the contract or contracts authorized shall be paid from 01-0402-6320, RQS 0402, RL 2013-44.

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

**Ord. No. 619-13.**

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

**An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants to administer the City's employee assistance program for a one year period, with two one-year options to renew, the second of which requires additional legislation; and authorizing a month-to-month extension, not to exceed three months, to Contract No. CT-0402-PS 2011-270 with The Center for Families and Children.**

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 Human Resources 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 administer the City's employee assistance program for a one year period, with two one-year options to renew, the second of which requires additional legislation.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director 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 Human Resources, and certified by the Director of Finance.

**Section 2.** That the Director of Human Resources is authorized to extend the term of Contract No. CT-0402 PS 2011-270 with The Center for Families and Children, on a month-to-month basis, not to exceed three months, for employee assistance services through the Ease@Work program.

**Section 3.** That the cost of contract, contracts, or extensions authorized shall be paid from Fund No. 01-0402-6320, RQS 0402, RL 2013-23.

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

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

**Ord. No. 620-13.**

**By Council Members Zone, Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants to administer the City's COBRA program and HIPAA compliance for a one year period, with two one-year options to renew, the second of which requires additional legislation.**

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 Human Resources 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 administer the City's COBRA program and HIPAA compliance for a one year period, with two one-year options to renew, the second of which requires additional legislation.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director 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 Human Resources, and certified by the Director of Finance.

**Section 2.** That the cost of the contracts shall be paid from Fund No. 01-0402, 6320, RQS 0402, RL 2013-43.

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

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

**Ord. No. 595-13.**

**By Council Member Sweeney.**

**An emergency ordinance to amend Sections 195.02 and 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 957-12, passed July 11, 2012, providing an exemption from the admission tax for small capacity live entertainment venues.**

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

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

**Section 1.** That Sections 195.02 and 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No., and Section 195.03, as amended by Ordinance No. 957-12, passed July 11, 2012 are amended to read as follows:

**Section 195.02 Tax Levied**

To provide funds for the purposes of general municipal operations, procurement of fixed assets or permanent improvements including the payment of costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping or furnishing facilities by contract, lease, lease-purchase, or otherwise, and including the improvement of the municipal stadium by cooperative arrangements with other political subdivisions or nonprofit corporations, payment of lease rentals, lease-purchase amounts, debt charges or other obligations, the administration of deficits in City funds and for all other lawful purposes, there is hereby levied and imposed upon every person who pays an admission charge to any one place:

(a) A tax of eight percent (8%) on the amounts paid for admission to any place, including admission by season ticket or subscription. The tax shall apply to every admission within the City for which a charge is made, notwithstanding that the sale of the

ticket or other evidence of right of admission thereto is made outside of the City;

(b) A tax of eight percent (8%) on the excess of the amounts paid for tickets or cards of admission to theaters, operas and other places of amusement, sold at newsstands, hotel and places other than the ticket offices of such theaters, operas or other places of amusement, over and above the amounts representing the established price therefore at such ticket offices, such tax to be returned and paid in the manner provided in Section 195.04 by the person selling the ticket;

(c) A tax of eight percent (8%) on the amount paid for admission to any public performance for profit at any roof garden, cabaret or other similar entertainment in case the charge for admission is in the form of a service charge, cover charge or other similar charge;

(d) A tax of eight percent (8%) on the amount paid as annual membership dues by every club or organization maintaining a golf course, and a tax of eight percent (8%) on greens fees paid to golf courses either under club or private ownership;

(e) A tax of six percent (6%) on the amount paid for admission to any museum on land leased by the City and subject to tax pursuant to division (b) (2) of Section 195.03.

(f) A tax of four percent (4%) on the amount paid for admission to any **small capacity live entertainment venue** that has **occupant load capacity** of one hundred-fifty-one (151) people or more, but not greater than seven hundred-fifty (750) people. For purposes of this section, "**small capacity live entertainment venue**" is defined as **any separate room** in a premises where people pay admission to attend a **separate active performance** by an individual or individuals who, at the time of and during the performance, create **live entertainment for an audience through the use or manipulation of voice, instruments, or dance. If the same active performance is occurring for the benefit of more than one separate room, then those separate rooms shall be considered together as one venue.**

**Section 195.03 Exemptions from Tax**

(a) No tax shall be levied under this chapter with respect to any admission all the proceeds of which inure:

(1) Exclusively to the benefit of religious, educational or charitable institutions, societies or organizations; societies or organizations for the prevention of cruelty to children or animals or societies or organizations conducted for the sole purpose of maintaining symphony orchestras and receiving substantial support from voluntary contributions, or of improving any municipal corporation, or of maintaining a cooperative or community center, moving picture theater, or swimming pool, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual;

(2) Exclusively to the benefit of persons in the military or naval forces of the United States, or of National Guard organizations, reserve officer associations or posts or organizations of war veterans or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units or societies are organized in the

State, and in no part of their net earnings inures to the benefit of any private stockholder or individual;

(3) Exclusively to the benefit of members of the police or fire departments of any municipal corporation, or the dependents or heirs of such members;

(4) Exclusively to the benefit of the general revenue fund of any municipal corporation or exclusively to the benefit of any fund of any municipal corporation under the control of a recreation commission.

(5) Exclusively to a **small capacity live entertainment** venue that has **occupant load** capacity of less than or equal to one hundred-fifty (150) people. For purposes of this section, **"small capacity live entertainment venue"** is defined as **any separate room** in a premises where people pay admission to attend a **separate** active performance by an individual or individuals who, at the time of and during the performance, create **live entertainment for an audience through the use or manipulation of voice, instruments, or dance. If the same active performance is occurring for the benefit of more than one separate room, then those separate rooms shall be considered together as one venue.**

(b) (1) The exemption from tax provided by this section shall, however, not be allowed in case of admissions to wrestling matches, prize fights or boxing, sparring or other pugilistic matches or exhibitions, unless exclusively for the benefit of those organizations set forth in division (a)(2) of this section, nor in the case of admissions to any athletic game or exhibition the proceeds of which inure wholly or partly to the benefit of any high school, academy, preparatory or other school or wholly or partly to the benefit of any college or university.

(2) The exemption from tax provided by division (a)(1) of this section shall, however, not be allowed in case of admissions to museums located on land leased by the City pursuant to a lease agreement entered into after August 21, 1991.

(c) Immediately after the event for which an exemption from admission tax has been allowed, upon the demand of the Commissioner of Assessments and Licenses, the treasurer of the institution, society or organization for whose benefit such event was held shall file an itemized statement with the Commissioner setting forth the amount of money actually received by such treasurer together with the expenses of promoting and conducting such event. Such statement shall be used as a basis of subsequent requests for exemption from admissions tax for the benefit of such institution, society or organization. If such statement shows a disproportionate expenditure for promoting and conducting such event, in relation to the profits, if any, no such exemption shall thereafter be allowed to such institution, society or organization.

(d) The exemption from tax provided in this section shall not be allowed to any institution, society or organization which does not control the sale of admissions to the event for which the exemption is requested, nor shall any exemption be allowed where talent, services or other items are compensated for on a percentage basis if such percentage results in a payment in excess of the flat rate ordinarily charged for the same talent, services or other items.

(e) The limitation contained in this section, upon the exemption from tax in case of admissions to wrestling matches, prize fights or boxing, sparring or other pugilistic matches or exhibitions, shall not be deemed to apply to any such matches or exhibitions in which all the contestants are amateurs and the entire proceeds thereof are devoted to a legitimate charitable purpose, excepting therefrom the necessary expenses, which shall in no event include payment to any contestant other than his or her necessary traveling expenses.

(f) Notwithstanding anything else in this chapter to the contrary, no tax shall be levied under this chapter with respect to any admission to the indoor arena facility (the "Gateway Arena") constructed by Gateway Economic Development Corporation of Greater Cleveland ("Gateway") pursuant to that certain Agreement Relating to Ownership, Financing, Construction and Operation of a Sports Facility and Related Economic Development Projects, dated as of November 7, 1990, as amended by the First Amendment as authorized by Ordinance No. 325-92 (the "Three-Party Agreement"), between the City, Gateway, and the County of Cuyahoga, Ohio (the "County"), provided, however, that the exemption provided by this division (f) shall apply and be effective only as long as there are outstanding any Arena Bonds to which reference is made in the Cooperative Agreement between the City and County authorized by Ordinance No. 327-92 (the "Cooperative Agreement") (such Bonds being hereinafter referred to as the "Arena Bonds") and only if and as long as the following conditions are met and shall have been certified to be met by the Director of Law to the Commissioner of Assessments and Licenses:

(1) Gateway shall pay or shall cause the lessees or operators of the Gateway Arena to pay to the Trustee (the "Trustee") for the holders of the Arena Bonds amounts equal to the taxes that would have been levied under Section 195.02 but for the exemption provided by this division (f) at the times and in the manner that such taxes would have been payable under this chapter. In computing the amount payable pursuant to this division (f)(1), the admission charges for admissions to the Arena shall be deemed to be net of the amount payable pursuant to this division (f)(1).

(2) The County shall, in its trust agreement or a related agreement with the Trustee, require the Trustee:

A. To retain each Bond Year as defined in the Cooperative Agreement from the amounts paid to the Trustee pursuant to division (f)(1) of this section to secure payments with respect to the Arena Bonds as provided in the Cooperative Agreement, an amount up to the sum of: (a) three percent (3%) of all admissions charges for admissions to the Gateway Arena during the related Collection Year as provided in the Cooperative Agreement for: basketball games played by the Cleveland Cavaliers at the Gateway Arena during each basketball season (including divisional, conference and championship play-off games); pre-season or exhibition basketball games played by said Cavaliers at the Gateway Arena and the NBA All-Star Game and any other event held at the Gateway Arena in which professional

basketball players participate (collectively, "Games"), plus (b) in the event that the City increases the taxes payable under this chapter from six percent (6%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for Games, and plus (c) in the event that the City increases the taxes payable under this chapter from six percent (6%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for any events other than Games;

B. To release and pay to the City at the end of each Bond Year any of such amount described in division (f)(2)A. above not used or needed for such purpose during such Bond Year, together with any investment income earned thereon; and

C. To pay any such amounts in excess of the amount described in division (f)(2)A. above directly to the City at the end of each Bond Year, together with any investment income earned thereon.

(3) Gateway shall prepare and submit to the Director of Finance of the City and the Clerk of City Council, or cause the preparation and submission to the Director of Finance of the City and the Clerk of City Council, such returns and reports regarding the amounts paid to the Trustee pursuant to division (f)(1) of this section as the Directors of Law and Finance shall reasonably require to demonstrate Gateway's compliance with this section.

(4) Gateway shall agree to repay or cause to be repaid to the City from Gateway's future excess revenues any moneys paid to the Trustee pursuant to division (f)(2)A. of this section actually applied to the payments with respect to the Arena Bonds with interest and on such other terms and in such form as are consistent with Gateway's obligations under the trust indentures and related agreements securing Gateway's bonds and the Arena Bonds and as the City's Director of Finance and Director of Law deem acceptable in the interests of the City.

(5) Gateway shall make or cause to be made such other assurances and commitments as the City's Director of Finance and Director of Law deem necessary, and appropriate to protect the City's entitlements under this division (f) and provide copies of such other assurances and commitments to the Clerk of the Council.

(g) (1) Except as otherwise provided in division (b), and notwithstanding anything else in this chapter to the contrary, no tax shall be levied under this chapter with respect to any admission to live theater, live opera, live ballet, or live exhibition of dance, musical performance, or monologue productions which are sponsored by an institution, society or organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; provided that the institution, society or organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live

opera, live ballet, or live exhibition of dance, musical performance, or monologue productions and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least twenty percent (20%) of the net profits, if any, of the events which the institution, society or organization sponsors and will bear the risk of at least twenty percent (20%) of the losses, if any, from the events which the institution, society or organization sponsors.

(2) The exemption from tax provided in this subsection shall not be allowed to any institution, society or organization which does not control the sale of admissions to the event for which the exemption is requested.

(3) Immediately after an event for which an exemption from admission tax has been allowed pursuant to this subsection (g), the treasurer of the institution, society or organization shall file an itemized statement with the Commissioner setting forth the amount of money actually received by such treasurer together with the expenses of promoting and conducting such event. Such statement shall be used as a basis of subsequent requests for exemption from admissions tax in accordance with this subsection. If such statement demonstrates a failure to qualify in accordance with paragraph (1) of this subsection (g), no such exemption shall thereafter be allowed to such institution, society or organization.

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

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

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

**Ord. No. 596-13.**

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

**An emergency ordinance giving final consent of the City of Cleveland to the State of Ohio for the improvement of the Broadway/Ackley/Union intersection; authorizing the Director of Capital Projects to enter into agreements; and causing payment to the State of Ohio for the City's share of the improvement.**

Whereas, under Ordinance No. 1206-11, passed October 31, 2011, this Council authorized the City of Cleveland to cooperate with the Director of Transportation for the improvement of the Broadway/Ackley/Union intersection (the "Improvement"); and

Whereas, the City shall cooperate with the Ohio Director of Transportation in the above described project by assuming and bearing one hundred percent (100%) of the entire cost of the Improvement, less the amount of Federal Highway Administration and United States Department of Transportation funds set aside by the Director of Transportation for the financing of this Improvement; and

Whereas, the share of the City's cost of the Improvement is now estimated to be \$96,898, but may be adjusted when the percentages of actual costs are determined; and

Whereas, the Ohio Director of Transportation has approved the legislation proposing cooperation and has caused to be made plans and specifications and an estimate of costs and expense for the Improvement and has transmitted copies of the same to this legislative authority; and

Whereas, the City desires the Ohio Director of Transportation to proceed with the Improvement; and

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

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

**Section 1.** That this Council requests the Ohio Director of Transportation to proceed with the Improvement.

**Section 2.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes such real property and easements as are necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

**Section 3.** That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

**Section 4.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

**Section 5.** That the Clerk of Council is authorized to transmit a copy of this ordinance to the Director of ODOT.

**Section 6.** That this Council is authorized to cause payment to the State of the City's share of the Improvement, payable from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 52 SF 001, and 54 SF 001. (RQS 0103, RL 2013-78)

**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.

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

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

**Ord. No. 630-13.**

**By Council Member J. Johnson.**  
**An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with St. Clair Superior**

**Development Corporation for the AsiaTown Cultural Center Planning Project through the use of Ward 8 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the City Planning Commission is authorized to enter into an agreement with St. Clair Superior Development Corporation for the AsiaTown Cultural Center Planning Project for the public purpose of creating a Asian community & cultural center in the city of Cleveland to promote cultural diversity through the use of Ward 8 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

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

**Ord. No. 631-13.**

**By Council Member Cleveland.**  
**An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch banners at East 55th & Scovill near East Tech and East 39th & Community College Avenue, northeast side, for the period from May 29, 2013 to June 29, 2013, inclusive, publicizing the 8th Annual Ward 5 Family Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to Burten, Bell, Carr Development to stretch banners at East 55th & Scovill near East Tech and East 39th & Community College Avenue, northeast side, for the period from May 29, 2013 to June 29, 2013, inclusive. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any



pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 632-13.**

**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the 25th Annual Walk for Hunger, on May 11, 2013.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 25th Annual Walk for Hunger, on May 11, 2013, start: Burke Lakefront Airport - proceeds west-bound on North Marginal - south-bound on East 9th St - west-bound on St. Clair - south-bound on West 3rd - east-bound on W. West Superior - south-bound on West 2nd - east-bound on Euclid Ave - south-bound on Ontario Ave - east-bound on Prospect Ave - south-bound on East 4th St - east-bound on Huron - south-bound on East 2nd - east-bound on Huron - north-bound on East 9th St - east-bound on Huron - west-bound on Euclid - north-bound on East 12th - west-bound on Lakeside - north-bound on East 9th - ending at Voinovich Park; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 634-13.**

**By Council Members Cimperman, Dow, J. Johnson, Zone and Westbrook.**

**An emergency ordinance consenting and approving the issuance of a permit for the 2013 Rite Aid Cleveland Marathon, Half Marathon, 10K, and 5K, on May 19, 2013.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2013 RiteAid Cleveland Marathon, Half Marathon, 10K, and 5K, sponsored by Cleveland Marathon, Inc., on May 19, 2013

**Section 2.** The 2013 Rite Aid Cleveland Marathon and Half Marathon courses start on West 3rd Street at the corner of FirstEnergy (Cleveland Browns) Stadium, just north of west parking lot entrance (south side of crosswalk); then south on West 3rd Street to West Lakeside Avenue; then turn right on West Lakeside Avenue and merge onto Cleveland Memorial Shoreway entrance ramp (top of ramp); then enter Cleveland Memorial Shoreway, going westbound to Edgewater Drive exit; then turn right on Edgewater Drive exit, go west on Edgewater Drive to West 110th Street; then turn left on West 110th Street and go south to Lake Avenue; then turn left on Lake Avenue and go east to West 85th Street; then turn right on West 85th street and go south to Detroit Avenue; then turn left on Detroit Avenue and go east to West 74th Street; then turn right on West 74th Street and go south to Franklin Boulevard; then turn left on Franklin Boulevard and go east to West 44th Street; then turn right on West 44th Street and go south to Lorain Avenue; then turn left on Lorain Avenue and go east to West 25th Street; then turn right on West 25th Street and go south to Barber Avenue; then turn left on Barber Avenue and go east to Scranton Road; then turn left on Scranton Road and go north to Starkweather Avenue; then turn right on Starkweather Avenue and go east to West 11th Street; then turn left on West 11th Street and go north to Abbey Avenue; then turn left on Abbey Avenue and go west to West 20th Street; then turn right on West 20th Street and go north to Lorain Avenue; then turn right on Lorain Avenue/Carnegie Avenue (in east-bound lanes, with traffic) and go east to Ontario Street; then turn left on Ontario Street (in southbound lanes, against traffic) to W. Huron Street; then turn left (30 degrees) on W. Huron Street and go west to West 6th Street; then turn right on West 6th Street and go north to W. Prospect Avenue; then turn left on W. Prospect Avenue (becomes West 6th Street) and go north to W. St. Clair Avenue; then turn right on W. St. Clair Avenue and go east to East 9th Street. At this point the courses of the Marathon and Half Marathon split. The Half Marathon course continues; turn left on East 9th Street (center lanes) and go north to Erieside Street; then turn left on Erieside Street (center lanes) and go north to the center of driveway at the Great Lakes Science Center

(Half Marathon Finish). The Marathon course continues; turn right on East 9th Street and go north to E. Superior Avenue; then turn left on E. Superior Avenue and go east to East 13th Street; then turn right on East 13th Street and go south to Euclid Avenue; then turn left on Euclid Avenue and go east to East 18th Street; then turn left on East 18th Street and go north to Chester Avenue; then turn right on Chester Avenue (in westbound lanes, against traffic) and go east to East 36th Street; then turn left on East 36th Street and go north to Payne Avenue; then turn right on Payne Avenue and go east to East 36th Street; then turn left on East 36th Street and go north to St. Clair Avenue, N.E.; then turn right on St. Clair Avenue, N.E. and go east to East 40th Street; then turn right on East 40th Street and go south to Chester Avenue; then turn left on Chester Avenue (in westbound lanes, against traffic) and go east to Martin Luther King, Jr. Drive; then turn left on Martin Luther King, Jr. Drive and go north to North Marginal Road; then turn left on North Marginal Road and go west to East 72nd Street; then turn left on East 72nd Street and go south to St. Clair Avenue, E.; then turn left on St. Clair Avenue, E., and go east to the turnaround just west of East 73rd Street (180 degree turn); complete the 180 degree turn on St. Clair Avenue, E., and go west to East 9th Street; turn right on East 9th Street (northbound lanes, with traffic) and go north to Erieside Street; then turn left on Erieside Street (center lanes) and go west to the center of driveway at the Great Lakes Science Center (Marathon Finish).

**Section 3.** The 2013 Rite Aid Cleveland Marathon 10K course starts on West 3rd Street at the corner of FirstEnergy Stadium, just north of west parking lot entrance (south side of crosswalk); then south on West 3rd Street to W. St. Clair Avenue; then turn right on W. St. Clair Avenue (westbound lanes with traffic) and go west to West 6th Street; then turn left on West 6th Street (westbound lanes with traffic) and go south the W. Superior Avenue; then turn right on W. Superior Avenue (becomes Detroit Avenue) and go west to West 67th Street; then turn right on West 67th Street and go north to Father Caruso Drive; then turn right on Father Caruso Drive and go east to West 65th Street; then turn right on West 65th Street and go south the Herman Avenue; then turn left on Herman Avenue and go east to West 49th Street; then turn right on West 49th Street and go south to Tillman Avenue; then turn left on Tillman Avenue and go east to Cleveland Memorial Shoreway (eastbound) entrance; then turn slight right on Cleveland Memorial Shoreway and go east to W. Lakeside Avenue exit; then turn slight right on W. Lakeside Avenue exit and go east on W. Lakeside Avenue (becomes Lakeside Avenue, E.) to East 9th Street; turn left on East 9th Street (northbound lanes, against traffic) and go north to Erieside Street; then turn left on Erieside Street (in eastbound lanes, against traffic) and go west to the driveway at the Great Lakes Science Center (10K Finish).

**Section 4.** The 2013 Rite Aid Cleveland Marathon 5K course starts on West 3rd Street at the southwest corner of FirstEnergy Stadium, just

north of Al Lerner Way; then south on West 3rd Street to W. Superior Avenue; then turn right on W. Superior Avenue and go west to West 6th Street; then turn left (45 degrees) on West 6th Street and go south to W. Huron Road; then turn left on West Huron Road (becomes Huron Road, E.) and go east to Prospect Street; then turn right on Prospect Street and go east to Huron Road, E.; then turn left on Huron Road, E. (becomes East 13th Street) and go north to E. St. Clair Avenue; then turn left on E. St. Clair Avenue and go west to East 9th Street; then turn right on East 9th Street and go north to Erieside Avenue; then turn left on Erieside Avenue and go west to Al Lerner Way; then turn right on Erieside Avenue and go north and west to the tunnel at the northwest corner of FirstEnergy Stadium; then turn left into the tunnel at northwest corner of FirstEnergy Stadium and onto the field in the west end zone (5K Finish).

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

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

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

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

**Res. No. 621-13.**

**By Council Member Cummins.**

**An emergency resolution objecting to a New C1 Liquor Permit at 3226 Clark Avenue.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 657 East 152nd Street by Resolution No. 1091-12 adopted by the Council on August 8, 2012; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon a cooperation agreement between Applicant Yaser S. Najjar, President of East 152nd Street, Inc., and Councilman Michael D. Polensek; and

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to East 152nd Inc., 657 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 2405365 be and the same is hereby withdrawn and Resolution No. 1091-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

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

**Res. No. 622-13.**

**By Council Member J. Johnson.**

**An emergency resolution objecting to the transfer of liquor license of a D4 and D6 Liquor Permit to 3400 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 D4 and D6 Liquor Permit from Ronndurah Properties, LLC, DBA Prodigy Club/Club Prodigy, Southeast Unit, 3801 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 7505402 to Ronndurah Properties, LLC, DBA Prodigy Lounge, 3400 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 75054020001; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of liquor license of a D4 and D6 Liquor Permit from Ronndurah Properties, LLC, DBA Prodigy Club/Club Prodigy, Southeast Unit, 3801 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 7505402 to Ronndurah Properties, LLC, DBA Prodigy Lounge, 3400 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 75054020001; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 633-13.**

**By Council Member Reed.**

**An emergency resolution objecting to a New C1 Liquor Permit at 12401 Corlett Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Amana My Way Deli, Inc., DBA Corlett Deli, 12401 Corlett Avenue, Cleveland, Ohio 44105, Permit Number 01608940005; 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 Amana My Way Deli, Inc., DBA Corlett Deli, 12401 Corlett Avenue, Cleveland, Ohio 44105, Permit Number 01608940005; and

requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 635-13.**

By Council Member Conwell.

**An emergency resolution encouraging the Jackson administration to review its laws for gender-biased terminology and to revise its laws to make the language gender-neutral.**

Whereas, U.S. cities and states have begun to review their laws to remove gender bias from the language; and

Whereas, words such as "watchmen", "policemen" and "firemen" are being revised to "security guards", "police officers" and "firefighters" and

Whereas, many laws were written decades ago when women were not a major part of the public sector workforce; and

Whereas, words help shape perceptions about people and opportunities available to people; 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 encourages the Jackson administration to review its laws for gender-biased terminology and to revise its laws to make the language gender-neutral.

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 196-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Jonell Centre (formerly the Garfield Savings Bank and the

Cleveland Trust Company) as a Cleveland Landmark.

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

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

**Ord. No. 197-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Morison Avenue Missionary Baptist Church (formerly the Morison Avenue Communal Baths) as a Cleveland Landmark.

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

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

**Ord. No. 237-13.**

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

An emergency ordinance to amend the title and Section 3 of Ordinance No. 1449-11, passed October 24, 2011, and the title and Section 4 of Ordinance 1248-12, passed September 24, 2012, relating to the Bureau of Justice Assistance grant and the Ohio Office of Criminal Justice Services grant for the Veterans Treatment Docket Program for the Cleveland Municipal Court.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Legislation, Finance, when amended, as follows:

1. In the title, lines 5 and 6, strike "Bureau of Justice Assistance grant and the".

2. In Section 3, lines 4 and 5, strike "Bureau of Justice Assistance" and insert "Ohio Office of Criminal Justice Services"; in line 6, strike "Case Western Reserve University, and Cuyahoga County"; and in lines 9 and 10, strike "Case Western Reserve University, and Cuyahoga County".

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

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

**Ord. No. 249-13.**

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

An emergency ordinance to vacate a portion of East 66th Place.

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 316-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Craig Motor Company Building (also known as the National Casket Company and the Kohn Building) as a Cleveland Landmark.

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

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

**Ord. No. 317-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Cleveland Masonic Temple as a Cleveland Landmark.

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

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

**Ord. No. 318-13.**

By Council Member Polensek.  
An emergency ordinance designating Villa Angela-St. Joseph High School as a Cleveland Landmark.

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

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

**Ord. No. 319-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Fine Arts Building as a Cleveland Landmark.

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

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

**Ord. No. 359-13.**

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with the National Youth Sports Program to provide a youth summer sports, nutrition, health, and life skills development program for 2013.

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

1. In Section 2, line 2, strike "\$100,000" and insert "\$108,700" and in the same line, strike "No." and insert "Nos. 14 SF 039 and".

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

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

**Ord. No. 363-13.**

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

An emergency ordinance determining the method of making the public improvement of constructing and maintaining the Cleveland Airport System Signage Program, Phase I, including related improvements, authorizing the Director of Port Con-

trol to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement.

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

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

**Ord. No. 432-13.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide construction management and administrative services for the various divisions of the Department of Port Control, for a period of one year, with three one-year options to renew, the second of which is exercisable through additional legislative authority.

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

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

**Ord. No. 433-13.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide professional services necessary to provide drawings of the existing and proposed Airfield signage, lighting, and marking plans, as required for certification of Cleveland Hopkins International Airport by the Federal Aviation Administration, and to update drawings as required, for a period of one year with three one-year options to renew, the second of which is exercisable through additional legislative authority.

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

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

**Ord. No. 481-13.**

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

An emergency ordinance to amend Sections 447.01 and 447.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 437-01, passed June 19, 2001 and Ordinance No. 1237-12, passed October 15, 2012, relating to route map and operations schedule for carriages.

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

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

**Ord. No. 491-13.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Brookwood Capital Partners, Inc., or its designee, to provide for a ten-year, sixty percent tax abatement for certain tangible real property improvements, as an incentive to construct a new facility to be used as a medical supply warehouse and distribution center occupied by Owens & Minor, Inc. and other potential firms located at the southwest corner of South Marginal Road and Marquette Street in the Cleveland Area Enterprise Zone.

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

1. In Section 3, line 1, after "shall" insert **"include the requirement that the new facility being constructed by Brookwood Capital Partners, Inc., or its designee, with certain taxes abated under this ordinance, shall have a minimum LEED certification of silver, and shall also"**.

Amendment agreed to.

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

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

**Ord. No. 492-13.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69405 with Circadian Knight Corp. d/b/a Top Gun to provide for the use and occupancy of certain City-owned property located in the passenger terminal building at Burke Lakefront Airport.

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

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

**Ord. No. 493-13.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2011-60 with American Association of Airport Executives, Inc. to provide professional technical and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport.

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

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

**Ord. No. 494-13.**

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

An emergency ordinance authorizing the Director of Port Control to lease certain space located on a portion of North Marginal Road and known as Lot 9 to the Cleveland Coordinating Committee for the Cod, Inc. to provide parking for the USS Cod Museum, for a term of six months.

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

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

**Ord. No. 496-13.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell the southeast portion of City-owned Permanent Parcel No. 104-02-002, located at the southwest corner of South Marginal Road and Marquette Street to Brookwood Capital Partners, Inc., or their designee, for construction of a medical supply warehouse and distribution center; authorizing the lease of the northeast portion of the parcel to Brookwood Capital Partners, Inc., or their designee for a period up to fifty years, with one option to renew for an additional forty-nine year period, exercisable by the Director of Public Utilities; and authorizing one or more Option Agreements for the sale and lease of the remaining westerly portion of the parcel, for future expansion of the project.

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

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

**Ord. No. 535-13.**

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

An emergency ordinance authorizing the Mayor to execute a release of covenant and deed restrictions on property located at 1708 Southpoint Drive, Cleveland, Ohio and known as the Hoover Pavilion in exchange for an agreement from MetroHealth to maintain and expand its commitment to mentally ill persons, and to receive, treat and care for the mentally ill at two City-owned Health Centers and on-site at its main campus and at other MetroHealth locations in the City of Cleveland; and to authorize the Director of Public Health to enter into leases with MetroHealth to provide medical services at the Thomas McCafferty and J. Glen Smith Health Centers.

Approved by Directors of Public Health, City Planning Commission, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

**Ord. No. 570-13.**

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

An emergency ordinance giving final consent of the City of Cleveland to the State of Ohio for the construction of a new grade separation with Norfolk Southern and extension of West 73rd Street to the West Shoreway; authorizing the Director of Capital Projects to enter into agreements with the State of Ohio; and causing payment to the State of Ohio for the City's share of the improvement.

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

1. Insert new Sections 3, 4, and 5 to read as follows:

**"Section 3. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes such real property and easements as are necessary to make the improvement. The consideration to be paid for the property shall not exceed fair market value.**

**Section 4. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements.**

**Section 5. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement."**

2. Renumber existing Sections 4 and 5 to new **"Section 6"** and **"Section 7"**.

Amendments agreed to.

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

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

**SECOND READING ORDINANCES PASSED**

**Ord. No. 133-13.**

By Council Member Zone.

An ordinance changing the Use and Height Districts of lands located on the southwest corner of Fulton Road and Bailey Avenue to Two Family Residential, and a '1' Height District or a Local Retail Business District as indicated on the attached map (Map Change No. 2402).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

**Ord. No. 320-13.**

By Council Member Brancatelli.

An ordinance to change the Use, Area and Height Districts of land located at Pershing and Interstate 77 to General Industry, an 'A' Area District and a 3 Height District (Map Change No. 2405).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City

Planning, Finance.

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

**SECOND READING EMERGENCY RESOLUTIONS ADOPTED**

**Res. No. 251-13.**

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

An emergency resolution declaring the intent to vacate a portion of Carnation Court N.E. (10.00 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 370-13.**

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

An emergency resolution declaring the intent to vacate a portion of Gould Court N.W. (16.5 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**MOTION**

On the motion of Council Member Brady, the absence of Council Member Terrell H. Pruitt is hereby authorized. Seconded by Council Member Mitchell.

**MOTION**

The Council Meeting adjourned at 7:49 p.m. to meet on Monday, May 6, 2013, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

April 24, 2013

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 24, 2013 at 10:36 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Absent: Mayor Jackson, Directors Smith and Nichols.

Others: Jomarie Wasik, Director, Mayor's Office of Capital Projects, L. Peculis, Acting 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. 175-13.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Tyco Integrated Security, LLC, except for such terms and conditions as are not acceptable to the Director of Law and the Director of Finance, for an estimated quantity of electronic protection services, all items, for the various divisions of City government, for the period of three years beginning with the date of execution of a contract, with two options to renew for additional one-year periods, received on April 3, 2013, under the authority of Ordinance No. 447-12, passed April 9, 2012, which on the basis of the estimated quantity would amount to \$318,775.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the labor and materials necessary for the specified items.

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

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 176-13.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on April 3, 2013 for an estimated quantity of landscape materials, for various divisions of City government, under the authority of Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 177-13.**

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 199-13, passed by the Council of the City of Cleveland on March 18, 2013, Hylant Group is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement

the regularly employed staff of the Public Utilities Department to provide professional services necessary to procure fire and extended coverage and real and personal property insurance, including oil testing and other risk management services, for the Division of Cleveland Public Power's major facilities, including 1300 Lakeside Avenue, for a period of one year with one one-year option to renew, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Hylant Group, based on its proposal dated April 2013, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services necessary to provide fire and extended coverage, real and personal property insurance, including oil testing and other risk management services as described in the proposal, for a premium consisting of \$469,675.00 plus \$25,000.00 for loss control services, for a total fee of \$494,675.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultant is approved:

<u>SUB-CONSULTANT</u>	<u>AMOUNT PERCENTAGE</u>
Pinkney-Perry Insurance Agency (MBE/CSB)	\$5,078.00 1.03%

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 178-13.**

By Director Bender.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Fabrizi Recycling, Inc. for the public improvement of Brinard Road 16" Express Water Main, including a \$198,949.90 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on January 31, 2013, under the authority of Ordinance No. 1692-12, passed December 3, 2012, upon a unit basis for the improvement in the aggregate amount of \$2,188,448.90, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-contractors by Fabrizi Recycling, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>WORK PERCENTAGE</u>
Trafftech, Inc. (CSB)	\$ 40,000.00 1.828%
RAR Contracting Company, Inc. (CSB/MBE)	\$480,000.00 21.933%

Simplified Alternatives, Inc. (CSB/FBE)	\$190,000.00 8.682%
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Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 179-13.**

By Director Bender.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of United Survey, Inc. for the public improvement of St. Clair Avenue Sewer Relining Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on March 7, 2013, under the authority of Ordinance No. 740-12, passed June 4, 2012, upon a unit basis for the improvement, in the aggregate amount of \$544,822.30, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by United Survey, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE WORK</u>
Midtown Trucking	CSB/MBE \$12,000.00(2.203%)
Broadway Excavating	\$120,000.00(22.03%)

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 180-13.**

By Director Bender.  
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on March 14, 2013, for Labor and Materials Necessary to Repair and Maintain Supervisory Control and Data Acquisitions (SCADA) System, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 629-11, passed June 6, 2011, are rejected.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 181-13.**

By Director Wasik.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of American International Corp. for the public improvement of the 2013 Sidewalk Assessment Program, all items, for the Division of Engineering and Con-

struction, Mayor's Office of Capital Projects, received on February 28, 2013, under the authority of Ordinance No. 1688-12 passed by Cleveland City Council on December 3, 2012, upon a unit price basis for the improvement, in the aggregate amount of \$1,025,134.00, is affirmed and approved as the lowest responsible bid, and the Director of the Mayor's Office of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by American International, Corp. for the above-mentioned public improvement is approved:

Dan Ray Construction, LLC(CSB/MBE) — \$216,000.00 (21.07%)
Tech Ready Mix (CSB/MBE) — \$93,000.00 (9.07%)

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 182-13.**

By Director Cox.  
Whereas, under the authority of Ordinance No. 1407-12, passed October 15, 2012 by the Council of the City of Cleveland, as amended by Ordinance No. 1541-12, passed October 22, 2012, the Director of Public Works and the Commissioner of Purchases and Supplies are authorized to purchase certain properties from Jerome T. Osborne and Concrete, Inc. needed for Stage 3 of the Towpath Trail Project, as described in Ordinance No 1407-12, as amended, for a consideration that shall not exceed fair market value as determined by the Board of Control which shall not exceed \$500,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the consideration of \$500,000.00 to be paid Jerome T. Osborne and Concrete, Inc. for the purchase of certain properties, described in the ordinance and needed for Stage 3 of the Towpath Trail Project, is determined not to exceed fair market value.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 183-13.**

By Director Cox.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Big Trees, Inc., for an estimated quantity of City-wide tree planting initiative, re-bid, all items, for the Division of Park Maintenance, Department of Public Works, for the period of one year beginning with the date of execution of a contract, with a one-year renewal option, received on February 28, 2013, under the authority of Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated

quantity would amount to \$125,024.94 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the specified goods and/or services.

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

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 184-13.**

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. 016-08-087 located at 3160 West 61st Street in Ward 15; 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 lease Land Reutilization Program parcels; and

Whereas, Maggie's Farm, LLC has proposed to the City to lease and develop the parcel for market garden; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has approved the proposed lease or has not disapproved or requested a hold of the proposed lease within 45 days of notification of it;

2. The proposed lessee 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 the 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 a lease for a term of five years which the Director of Community Development may terminate at the end of any term year upon 30 days' prior written notice, for and on behalf of the City of Cleveland, with Maggie's Farm, LLC for the lease and development of Permanent Parcel No. 016-08-087 located at 3160 West 61st Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the lease of the parcel shall be a one-time fee of \$5.00 per year, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: None.

Nays: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 185-13.**

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. 016-15-139 located at 3478 West 63rd Street in Ward 15; 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 lease Land Reutilization Program parcels; and

Whereas, NxGen Preserve has proposed to the City to lease and develop the parcel for a pocket park; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has approved the proposed lease or has not disapproved or requested a hold of the proposed lease within 45 days of notification of it;

2. The proposed lessee 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 the 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 a lease for a term of five years which the Director of Community Development may terminate at the end of any term year upon 30 days' prior written notice, for and on behalf of the City of Cleveland, with NxGen Preserve for the lease and development of Permanent Parcel No. 016-15-139 located at 3478 West 63rd Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the lease of the parcel shall be a one-time fee of \$5.00 per year, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: None.

Nays: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 186-13.**

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. 130-16-052 (Southerly Portion) located at 3436 East 149th Street in Ward 1; and

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

Whereas, Lillie May Ashley has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 1 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the 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 Lillie May Ashley for the sale and development of Permanent Parcel No. 130-16-052 (Southerly Portion) at 3436 East 149th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 187-13.**

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. 130-16-052 (Northerly Portion) located at 3436 East 149th Street in Ward 1; and

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

Whereas, George Peterson and Carol Peterson 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 1 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchasers of the parcel are 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 the 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 George Peterson and Carol Peterson for the sale and development of Permanent Parcel No. 130-16-052 (Northerly Portion) at 3436 East 149th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 188-13.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 120-09-119 located at 1472 East 115th Street in Ward 9; and

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

Whereas, Henry L. Cameron has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the 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 Henry L. Cameron for the sale and development of Permanent Parcel No. 120-09-119 located at 1472 East 115th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$500.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 189-13.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 120-10-141 (South Easterly Portion) located at 11520 Kelton Avenue in Ward 9; and

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

Whereas, Barbara J. Drew has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the 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 Barbara J. Drew for the sale and development of Permanent Parcel No. 120-10-141 (South Easterly Portion) located at 11520 Kelton Avenue, 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 sale of the parcel shall be \$1.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross,

Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 190-13.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 120-10-141 (North Easterly Portion) located at 11520 Kelton Avenue in Ward 9; and

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

Whereas, Frederick Walker has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the 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 Frederick Walker for the sale and development of Permanent Parcel No. 120-10-141 (North Easterly Portion) located at 11520 Kelton Avenue, 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 sale of the parcel shall be \$1.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 191-13.**

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. 125-31-067 located at 3413 East 69th Street in Ward 12; and



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

Whereas, Albert and Barbara Foster 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 12 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchasers of the parcel are 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 the 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 Albert and Barbara Foster for the sale and development of Permanent Parcel No. 125-31-067 at 3413 East 69th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of 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 Program.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 192-13.**

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. 023-15-057 located at 4484 West 149th Street in Ward 18; and

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

Whereas, Andrea Hess has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 18 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the 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 Andrea Hess for the sale and development of Permanent Parcel No. 023-15-057 located at 4484 West 149th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of 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 Program.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 193-13.**

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. 016-07-007 located at 3274 West 61st Street in Ward 15; and

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

Whereas, Edward Hulesch has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the 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 Edward Hulesch for the sale and development of Permanent Parcel No. 016-07-007 located at 3274 West 61st Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

**Resolution No. 194-13.**

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. 131-36-010 located at 5701 Linton Avenue in Ward 12; and

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

Whereas, Denise M. Schultz, Debra A. Schultz and Bernadette J. Schultz Meadows 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 12 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchasers of the parcel are 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 the 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 Denise M. Schultz, Debra A. Schultz and Bernadette J. Schultz Meadows for the sale and development of Permanent Parcel No. 131-36-010 located at 5701 Linton Avenue, 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 sale of 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 Program.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Bender, Cox, Acting Directors Cross, Eckart, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Nichols.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

ROBERT BENNETT,  
President

**CIVIL SERVICE NOTICE**

**ANNOUNCEMENTS — 2013  
5/10/13 – 5/16/13**

Announ- ment No.	Exam Method	Classi- fication	Exam Type
31	EE	Chief Safety Signal System	N/C
32	WR	Line Helper Driver	Open
33	WR	Police Traffic Controller	Open
34	EE	Public Safety IT Manager	N/C
35	EE	Administrative Manager (Public Health)	N/C

**PROOF OF CITY RESIDENCY**

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

include, but are not limited to, the following:

- Lease - from rental agency.
  - Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
  - Utility bills bearing the property address **and** your name.
  - Post Office change of address form properly date stamped.
  - Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
  - Bank statements (Within last three months).
  - School registration of children.
  - Car insurance documents.
  - Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
  - Loans and credit card statements (Within last three months).
  - Rental contracts (e.g.: furniture, tools, car, etc.).
  - Current bills not listed above (Within last three months).
- The following are examples of **unacceptable** categories of proof:
- Library cards.
  - Voter registration cards.
  - Birth certificates.
  - Notarized letters or affidavits.
  - Social Security card.
  - Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 31**

**CHIEF SAFETY SIGNAL SYSTEM  
(NON-COMP)**

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

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$38,688.00 to \$76,542.13 per year.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 10, 2013 UNTIL 4:30 P.M. ON THURSDAY, JUNE 13, 2013.**

**NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, JUNE 13, 2013.**

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

**EXAMINATION INFORMATION**

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

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

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

**DUTIES OF THE POSITION**

Under general direction, oversees the installation of safety signal systems. Oversees installation and maintenance of police and fire boxes. Determines and assesses whether job assignments can be performed internally or contracted out. Researches fire box location needs, new equipment capabilities, and current equipment repair requirements. Interfaces with City Council members concerning safety signal matters. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required, a Bachelor's Degree in Business/Public Administration, Telecommunications, or Information Systems is preferred. Three years of full time paid experience in the installation, maintenance, and repair of electronic key telephone equipment of business telecommunications systems is required. Supervisory experience is required.

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

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

**AN EQUAL OPPORTUNITY EMPLOYER**

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 32

LINE HELPER DRIVER (OPEN)

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

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20.80 - \$24.43 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 10, 2013 UNTIL 4:30 P.M. ON THURSDAY, MAY 16, 2013.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 16, 2013

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

EXAMINATION INFORMATION

TYPE: WRITTEN TEST Applicants will be notified of the time, date, and place of the exam by U.S. Mail.

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

DUTIES OF THE POSITION

Under immediate supervision, drives a line motor truck used in connection with the installation and maintenance of electric lines and cables. Assists linemen as directed. Performs related duties as required. TYPICAL TASKS: Drives a line truck, a pump truck, or a tower truck to locations as directed. Operates winches and hoists. Assists in the installation, removal, relocation, and repair of guys, crossarms, insulators, brackets, braces, transformers, oil switches, arresters, potheads, cut-outs, street lamps, and high and low tension cables. Assists in making temporary repairs on lines and equipment. Assists in clearing trouble on high and low tension lines and equipment. Assists in the installation and removal of poles. Assists in digging post holes and in framing, gaining, shaving, and stepping poles. Strings high and low tensions wires and cables. Keeps tools and materials in order to assemble crossarms and racks for line workers. Renews fuses. Otherwise assists line workers as directed. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training class-

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

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

A High School Diploma or GED is required. A valid State of Ohio Class "A" Commercial Driver's License is required. Must be able to lift and carry a minimum of 75 pounds.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee payable in cash or money order (no checks). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

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

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

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 33

POLICE TRAFFIC CONTROLLER (OPEN)

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

SALARY

The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$15.41 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 10, 2013 UNTIL 4:30 P.M. ON THURSDAY, MAY 16, 2013.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 16, 2013

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

EXAMINATION INFORMATION

TYPE: WRITTEN TEST Applicants will be notified of the time, date, and place of the exam by U.S. Mail.

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

DUTIES OF THE POSITION

Under supervision, writes parking tickets and calls for the towing of vehicles from public thoroughways and lands. Performs impound work. Directs vehicular traffic and performs crowd and traffic control for special events (races, parades, ball games, etc.) and performs related duties as required. (Employees are prohibited from performing criminal investigations or exercising their authority on privately-owned premises.) Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or G.E.D is required. A valid state of Ohio Driver's License is required. Must be able to stand and walk in all types of weather for long periods of time.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee payable in cash or money order (no checks). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

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

**NOTE:** Those persons who are residents of the City of Cleveland for at least one year at the date of filing and who received passing scores shall have ten (10) additional points added to their grades. A list of acceptable forms of proof of residency applicants need to present at the time of filing is included with the application.

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

**AN EQUAL OPPORTUNITY EMPLOYER**

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 34

**PUBLIC SAFETY INFORMATION TECHNOLOGY MANAGER (NON-COMP)**

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

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$65,000.00 to \$110,000.00 per year.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON, FRIDAY, MAY 10, 2013 UNTIL 4:30 P.M. ON THURSDAY, JUNE 13, 2013.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, JUNE 13, 2013.

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

**EXAMINATION INFORMATION**

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

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

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

**DUTIES OF THE POSITION**

Under administrative supervision, directs and manages activities of the Public Safety Office of Information Technology (IT). Coordinates staff involved in systems' analyses work related to the development of new IT

systems or the maintenance of existing IT systems. Plans, organizes, manages, and staffs the technical aspects of the Department of Public Safety's Office of IT, including application development, database administration, network infrastructure, hardware maintenance/replacement, standards, and software support. Oversees evaluation, testing, and acceptance of new hardware, software, or IT systems. Manages strategic planning and policy development for information systems in collaboration with all Public Safety divisions. Consults with other departments, divisions, and contract vendors when projects require association and coordinates joint activities. Develops and monitors security systems for both data and Public Safety facilities where equipment is located and maintains contingency backup plan and disaster recovery plan. Assures that Core Rooms and equipment are fully maintained and secured. Assures that all maintenance contracts and license agreements are maintained and current. Assists in the development of RFPs and legislative summaries for management. Assists in recruiting efforts and employment offers. Manages and ensures response to customer service requests submitted to Safety IT Helpdesk within the established service level agreements. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. A Bachelor's Degree in Computer Service, Management Information Systems, or related field from an accredited four-year college or university is required. Seven years of full time paid experience in information processing with a minimum of three years of project management and supervisory responsibilities (Three years may be part of the seven years of experience) is required. Project Management Certification is required. (Substitution: Two additional years of college education or two additional years of progressively responsible supervisory experience in a large Public Safety IT environment may substitute for certification.) Must be computer proficient and familiar with the Internet and have a demonstrated knowledge of Microsoft Project and be knowledgeable in Microsoft Office Suites. Must have demonstrated experience in Microsoft Windows Servers and related servers and services such as Domain Controller, Active Directory, Exchange, DNS, Proxy, and various other Microsoft Server/Utility Software as well as Windows client software, Visio Project, and other utilities. Must be proficient with the most common Enterprise software such as Enterprise Antivirus Solutions, Cisco Works, network monitoring and

alerting systems, intrusion detection, and prevention switches, and firewalls. Must have knowledge of various operating systems such as Unix, Linux, and virtualization systems and applications including CAD, dispatch/voice recording systems, RMS systems, 800 MHz radio communications, VOIP, wireless surveillance camera systems, mobile communications including automatic vehicle locator systems, automated fingerprint identification systems, crime reporting systems, photographic traffic enforcement systems, and LEADS. A valid State of Ohio Driver's License is required or must be obtained within 30 days of the date of hire if out-of-state. Must be able to lift and carry a minimum of 30 pounds. The following are preferred: Knowledge of grants and their potential application to Public Safety IT projects, specifically the Urban Area Security Initiative Grant Program and the State Homeland Security Grant Program; Familiarity with capital asset planning for short- and long-term budgetary requirements; Demonstrated experience in managing similar-sized IT organizations or departments (e.g.: 3000 + Public Safety employees, 100+ external IP addresses, 200,000+ internal IP addresses, 85-100 physical and virtual servers, 120+ routers and switches, 40+ physical locations); and MSCE or CCNA Certifications.

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

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

**AN EQUAL OPPORTUNITY EMPLOYER**

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 35

**ADMINISTRATIVE MANAGER (Public Health) (NON-COMP)**

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

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$27,193.55 to \$101,816.22 per year.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON, FRIDAY, MAY 10, 2013 UNTIL 4:30 P.M. ON THURSDAY, MAY 16, 2013.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 16, 2013.

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

**EXAMINATION INFORMATION**

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

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

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

**DUTIES OF THE POSITION**

Under administrative direction, is responsible for planning, managing, coordinating, and administering all activities and personnel of such staff positions as administration, citizen participation, research, and finance, and supervises such personnel as are assigned to specific functions in the performance of the necessary duties. (NECESSARY DUTIES: Supervises and directs all HIV/STD disease investigation and intervention teams. Plans and participates in programs related to the control of various communicable diseases inclusive of HIV and Syphilis. Locates disease sources, carriers, and at risk groups to prevent, treat, and thereby reduce the incidence and risk to citizens. Provides information on disease etiology and the prevention of communicable and related health diseases. Consults with physicians, medical groups, laboratories, community groups, schools, voluntary agencies, and other organizations to enlist and maintain their cooperation in a program of communicable disease prevention and control.) Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A Bachelor's Degree from a four-year accredited college or university with major coursework in Health Education, Nursing, (i.e. RN or LPN) Psychology, or related field is required. Six years of full time paid experience in Public Health, Health Education, and Community Organizing, which includes 2 years medical counseling experience, conducting epidemiological investigations, and/or surveillance activities involving communicable diseases. One year of management/ supervisory experience is required. Skills in field investigation, report writing, public speaking, training, and information dissemination

are preferred. (Substitution: Two years of experience may substitute for each year of college education lacking) Certification in Phlebotomy as well as HIV Client Centered Counseling and Centers for Disease Control/STD course ISTDII-Introduction to Sexually Transmitted Disease Intervention (Introduction & Advanced course are required. Training in blood borne pathogen (Introduction and Advance course) required. A valid State of Ohio Driver's License is required

**NOTE:** The eligible list for this exam will be effective for only six months from the date of approval by the Civil Service Commission

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

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

**AN EQUAL OPPORTUNITY EMPLOYER**

ROBERT BENNETT,  
President

May 1, 2013

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 13, 2013**

**9:30 A.M.**

**Calendar No. 10-259:** 4300 Bradley Road (Ward 12) W.B. and M.E. Bauman and Bradley Road, Incorporated appeal under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordinances from the decision of the Zoning Administrator dated June 18, 2010 to deny the application for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage located in a General Industry District and consisting of parcel numbers 009-36-001, 009-36-002, 009-36-005, 009-36-006, 009-36-007, 009-34-002 and 009-34-004; that as determined by the Zoning Administrator of the Cleveland Building and Housing Department, the proposed grading/excavation use of the property is not a use permitted as of right under Section 345.04(a)(2) of the Cleveland Codified Ordinances. (Filed 12-8-10; Testimony Taken 4-18-10; Motion for Rehearing Granted 5-16-10)

**Calendar No. 10-260:** 4300 Bradley Road (Ward 12) W.B. and M.E. Bauman and Bradley Road, Incorporated appeal under Sections 329.03 and 329.04 for a use variance to allow grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage located in a General Industry District

and consisting of parcel numbers 009-36-001, 009-36-002, 009-36-005, 009-36-006, 009-36-007, 009-34-002, and 009-34-004, contrary to the regulations in Sections 345.04(a) and (b) of the Cleveland Codified Ordinances. (Filed 12-8-10; Testimony Taken 4-18-10; Motion for Rehearing Granted 5-16-10)

**Calendar No. 10-194:** 4300 Bradley Road (Ward 12)

W.B. and M.E. Bauman and Bradley Road, Incorporated appeal for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage located in a General Industry District and consisting of parcel numbers 009-36-001, 009-36-002, 009-36-005, 009-36-006, 009-36-007, 009-34-002, and 009-34-004; where the proposed use is subject to the limitations in Section 345.04(b)(21) and shall not have the effect or impact of being more injurious, hazardous, noxious or offensive than the enterprises listed in division (b) of Section 345.04(b), including: asphalt or tar manufacturing or refining; blast furnaces, ore smelting or reduction, refining or smelting; carbon, coke or lampblack manufacture; coal gas manufacture; cremation; creosote manufacture or treatment; dextrine, glucose or starch manufacture; disinfectant or insecticide manufacture which emits offensive odors; dye stuffs manufacture; manufacture of steel by the Bessemer process; match manufacture; oil cloth or linoleum manufacture; paper and pulp manufacturing; reduction or refining of petroleum or other flammable liquids; rock crushing; rubber manufacture by reclaiming processes; stock feed manufacture from refuse; tanning, curing or storing of rawhides or skins; wool pulling or scouring; and hair processing. Pursuant to Sections 352.08-12, a 10 foot wide landscaped strip providing at least 75 percent year-round opacity is required where the General Industry zoned parcels abut residentially zoned districts on the northerly and easterly proposed parcel project lines; and vehicle maneuvering areas shall be surfaced with concrete, asphaltic concrete, asphalt or other paving material that is approved by the Chief Building Official for the City of Cleveland in accordance with Codified Ordinance Section 349.07. (Filed 10-6-10; Testimony Taken 4-18-10; Motion for Rehearing Granted 5-16-10)

Postponement granted at mutual request from appellants, their counsel and counsel for the City to have landfill violations and pending issues resolved concerning the property in question.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, APRIL 29, 2013**

At the meeting of the Board of Zoning Appeals on Monday, April 29, 2013, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED**:

**Calendar No. 13-47:** 806 Literary Avenue

Sandy Banks LLC appealed for use of an outdoor patio area and construction of patio walls in a C1 General Retail Business District.

**Calendar No. 13-55:** 8200 Bessemer Avenue

Sidako Bessemer I LLC appealed to install 10-foot high electrified fence in a B3 General Industry District.

**Calendar No. 13-56:** 6100 Truscon Avenue (PPN 125-04-009)

Truscon Realty, LLC appealed to install 10-foot high electrified fence in a B3 General Industry District.

The following appeal was **DENIED**:

**Calendar No. 13-44:** 3682 East 131st Street

Wilson Fisher, Jr. appealed from a denied application for a Motor Vehicle Repair Garage License by the Commissioner of Assessments and Licenses.

The following appeal was **DISMISSED**:

None.

The following appeal was **WITHDRAWN**:

None.

The following appeals were **POSTPONED**:

**Calendar No. 13-53:** 16003 Saranac Road postponed to June 3, 2013.

**Calendar No. 13-54:** 1261 West 76th Street postponed to June 17, 2013.

The following appeals heard by the Board on April 22, 2013 were adopted and approved on April 29, 2013:

The following appeals were **APPROVED**:

**Calendar No. 13-49:** 1839 Fulton Road Ohio City Tremont LLC, owner, and George Preedy appealed to erect a second floor triangular wooden deck to an existing two family dwelling in a B1 Two-Family District.

**Calendar No. 13-50:** 4576-88 West 130th Street

Lander Day Care Center, Inc., owner, and FDBTS, LLC, prospective purchaser, appealed to construct a retail store on consolidated lots in a C1 General Retail Business District; subject to amended plan.

**Calendar No. 13-51:** 7945-8101 Broadway Avenue

Bud Brady Ford, owner, and FDBTS, LLC, prospective purchaser, appeal to construct a retail store on consolidated lots in B2 Semi-Industry and C2 General Retail Business Districts; subject to amended plan.

**Calendar No. 13-52:** 1901 Ford Drive Case Western Reserve University, owner, and Glidden House Associ-

ates Limited Partnership, lessee, appealed to install a temporary tent for 180 days in a D1 University Retail District.

#### Violation Notice

**Calendar No. 13-30:** 1260 East 61st Street

Jimmie Richard appealed from a decision of the City of Cleveland Parking Violations Bureau, Waste Collection and Photo Safety Division.

The following appeal heard by the Board on February 11, 2013 was adopted and approved.

The following appeal was **APPROVED**:

**Calendar No. 13-08:** 13933 Lakewood Heights Boulevard

Mac's Convenience Stores LLC appealed for an addition, interior and exterior alterations to an existing store with a gas station in a B1 Local Retail Business District.

Secretary

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

Re: Report of the Meeting of April 24, 2013

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-211-12.

RE: Appeal of Aeon Financial, LLC, Owner of the Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property, located on the premises known as 12424 Saywell Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 5, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

#### Docket A-222-12.

RE: Appeal of Aeon Financial, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 1073 East 141st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 24, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

#### Docket A-223-12.

RE: Appeal of Aeon Financial, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 11609 Temblett Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 8, 2012

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

#### Docket A-224-12.

RE: Appeal of Aeon Financial, LLC, Owner of the R-4 Residential - Non-transient; Shared Living Areas for 5-16 Persons Two Story Masonry Property, located on the premises known as 11209 Whitmore Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 6, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

#### Docket A-225-12.

RE: Appeal of Aeon Financial, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 12408 Saywell Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 7, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

#### Docket A-226-12.

RE: Appeal of Aeon Financial, LLC, Owner of the Three Dwelling Units Three-Family Residence Two Story Masonry Walls/Wood Floors Property, located on the premises known as 1443 Lakeview Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 7, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

#### Docket A-237-12.

RE: Appeal of Aeon Financial, LLC, Owner of the Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property, located on the premises known as 12428 Tuscora Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 13, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

#### Docket A-238-12.

RE: Appeal of Aeon Financial, LLC, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 625 East 118th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated August 23, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

#### Docket A-242-12.

RE: Appeal of Aeon Financial, LLC, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property and One Story Garage - Detached; Wood Frame Property, located on the

premises known as 3672 East 54th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated August 21, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

**Docket A-243-12.**

RE: Appeal of Aeon Financial, LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property and Two Story Frame Garage Property, located on the premises known as 17602 St. Clair Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated August 9, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

**Docket A-256-12.**

RE: Appeal of Aeon Financial, LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 3818 East 54th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 29, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

**Docket A-272-12.**

RE: Appeal of Aeon Financial, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 9418 Manor Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 26, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

**Docket A-273-12.**

RE: Appeal of Aeon Financial, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 474 East 125th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 21, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

**Docket A-274-12.**

RE: Appeal of Aeon Financial, LLC, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property and One Story Garage - Detached; Wood Frame Property, located on the premises known as 7211 Indiana Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated September 18, 2012 of the Director of the Department of Building and Housing, requiring compli-

ance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

**Docket A-77-13.**

RE: Appeal of Aeon Financial, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 12408 Saywell Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 7, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

**Docket A-78-13.**

RE: Appeal of Aeon Financial, LLC, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 2541 Cedar Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 25, 2013 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-98-13.**

RE: Appeal of Aeon Financial, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 4155 East 141st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 7, 2013 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 any additional time and to require that all the properties be boarded, secured and maintained; the properties are REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

\* \* \*

**Docket A-69-13.**

RE: Appeal of Edward J. Fischer, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two & One/half Story Frame Property, located on the premises known as 6925 Hosmer Avenue from a CONDEMNATION ORDER, dated February 7, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of the asbestos and demolition of the property; to require that the grounds and the property remain debris-free and as tidy as possible during that period of time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further

action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

**APPROVAL OF RESOLUTIONS:**

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

- A-8-13 — Shakerlan Properties, Inc.
- A-9-13 — Dorothy Marshall-Barringer
- A-10-13 — Lucretia Russell
- A-14-13 — Strongtower Christian Assembly
- A-17-13 — Talia Collins
- A-87-13 — Richard M. & Adrienne Gray Jr.

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

\* \* \*

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

- A-11-13 — Dana Word Sr.
- A-12-13 — Rios Properties, Inc.
- A-15-13 — Renard Parnell II
- A-16-13 — Mary Battle
- A-18-13 — Michael O'Bannon
- A-19-13 — Ovidiu Sarsama
- A-23-13 — Don R. Blake

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

\* \* \*

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

- A-13-13 — Grassroot Innovations LLC
- A-21-13 — Marcelline Properties

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

\* \* \*

**APPROVAL OF MINUTES:**

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

March 27, 2013

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

Public notice is hereby given that the City of Cleveland Public Records Committee will hold a Regular Meeting on Thursday, May 30, 2013 in the City Law Department's South Conference Room, located at Cleveland City Hall, 601 Lakeside Avenue, East, Room 106, commencing at 9:00 a.m., or as soon thereafter as possible.

Maureen Harper, Chair

April 24, 2013, May 1, 2013, May 8, 2013, May 15, 2013 and May 22, 2013

**NOTICE OF PUBLIC HEARING**

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

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, May 15, 2013  
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 15, 2013, at 1:00 p.m., to consider the following ordinances now pending in the Council:

**Ord. No. 754-10.**

By Council Member Mitchell.  
An ordinance changing the Use District of lands on the south side of Platt Ave. between E. 82nd St. and E. 83 St. to Open Space and Recreation (Map Change No. 2326; Sheet No. 5).

**Ord. No. 825-10.**

By Council Member Brancatelli.  
An ordinance to change the zoning of the Southern Half of the property located at 1805 Spring Road to Urban Garden District. (Map Change No. 2335, Sheet No. 2)

**Ord. No. 603-11.**

By Council Member Dow.  
An ordinance to change the Use, Area and Height District of land located on the north and south sides of Hough Avenue between E. 55th Street and E. 75th Street to Multi-Family Residential District, a 'D' Area District and a '2' Height District (Map Change No. 2362, Sheet Numbers 4 & 5).

**Ord. No. 1559-12.**

By Council Member Zone.  
An ordinance changing the Use Districts of lands located at the intersection of Clark Avenue and W. 65th Street to Local Retail Business and changing Use District of lands north of Storer Ave. between W. 63rd St. and W. 67 Place to General Industry as shown shaded on the map (Map Change Number 2427).

**Ord. No. 25-13.**

By Council Member Westbrook.  
An ordinance changing the Use and Height Districts of lands on the north and south sides of Lorain Avenue between West Boulevard

and W. 94th Street shown shaded on the attached map to Local Retail Business and a '2' Height District (Map Change No. 2428).

**Ord. No. 505-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Groh Mansion as a Cleveland Landmark.

**Ord. No. 506-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Stockbridge Apartment Building as a Cleveland Landmark.

**Ord. No. 512-13.**

By Council Member Polensek.  
An ordinance establishing a Pedestrian Retail Overlay (PRO) on and changing the Use District of lands located at E. 156 St. and Calcutta Avenue from a Two Family Residential District to Local Retail Business, a 'C' Area District and a '2' Height District (Map Change No. 2430).

**Ord. No. 572-13.**

By Council Member Sweeney.  
An ordinance to change the Use District of lands on the north side of Fairlawn Avenue at W. 146th Street to Semi-Industry conditioned upon attached Site Development Plan (Map Change No. 2432).

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

Phyllis E. Cleveland, Chair  
Committee on City Planning

May 1, 2013 and May 8, 2013

**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 applica-**

**tions 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."**

**FRIDAY, MAY 10, 2013**

**File No. 72-13 — Paint and Paint Supplies,** for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, MAY 3, 2013 AT 11:00 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114**

April 24, 2013 and May 1, 2013

**WEDNESDAY, MAY 15, 2013**

**File No. 73-13 — Purchase of Large Capacity Truck Rentals,** for the Division of Streets, Department of Public Works, as authorized by Ordinance No. 1694-12, passed by the Council of the City of Cleveland, February 11, 2013.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 2, 2013 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF STREETS, ROOM 25, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 24, 2013 and May 1, 2013

**THURSDAY, MAY 16, 2013**

**File No. 70-13 — Denison Avenue Public Improvements Roadway Rehabilitation from Ridge Road to Denison Bridge over SR176 and Underground 138KV Transmission Circuit Infrastructure,** for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 908-12, passed by the Council of the City of Cleveland, August 8, 2012.

**\*THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED AND FIFTY DOLLARS (\$150.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 2, 2013 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ENGINEERING AND CONSTRUCTION, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**



**\*Bidders must purchases plans and specifications directly from the Office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.**

April 24, 2013 and May 1, 2013

**FRIDAY, MAY 17, 2013**

**File No. 69-13 — Erie Street and Monroe Street Cemetery Structure Improvements**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 537-12, passed by the Council of the City of Cleveland, May 14, 2012.

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

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 2, 2013 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.**

**\*Bidders must purchases plans and specifications directly from the Office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.**

**File No. 71-13 — Purchase of Various Pool Chemicals**, for the Division of Recreation, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, MAY 10, 2013 AT 11:30 A.M. CLEVELAND CITY HALL, THE DIVISION OF RECREATION, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**File No. 74-13 — Crane and Hoist Inspection and Maintenance**, for the Divisions of Water, Cleveland Public Power, Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1630-12, passed by the Council of the City of Cleveland, December 3, 2012.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 2, 2013 AT 10:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.**

April 24, 2013 and May 1, 2013

**WEDNESDAY, MAY 22, 2013**

**File No. 75-13 — First Energy Stadium Insurance**, for the Division of First Energy Stadium, Department of Public Works, as authorized by Section 181.101 Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, MAY 14, 2013 AT 11:00 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.**

May 1, 2013 and May 8, 2013

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 372-13. By Council Member Zonc. An emergency resolution supporting the City's initiative to establish a Sustainable Municipal Building Policy which will incorporate green building practices into the siting, design, construction, remodeling, repair, maintenance, operation and deconstruction of all City facilities.**

Whereas, in August, 2009, the Mayor, in partnership with members of this Council, initiated Sustainable Cleveland 2019, a 10-year plan to engage people from all walks of life to work together to design and develop a thriving and resilient Cleveland region using "sustainable" or "green" methods and practices; and

Whereas, in May, 2012, the City joined the Cleveland 2030 District, which works to create a coalition of building owners, service professionals and community stakeholders working together to rapidly transform the building environment of the city through large-scale reductions in energy use, water use and greenhouse gas emissions; and

Whereas, also in May 2012, the City joined the Better Buildings Challenge, a White House and Department of Energy initiative; as part of the Challenge, the city has committed to publicly share its energy data and reduce its building energy usage 20% from 2010 levels by 2020; and

Whereas, data shows that the City spends more than \$50 million dollars annually on energy and utilities for its municipal operations; and

Whereas, through its use of federal funding from the Energy Efficiency and Conservation Block Grant program, the City has initiated several energy and sustainability projects for city buildings and the community; and

Whereas, the City has recently completed three new construction projects that were constructed to meet Leadership in Energy and Environmental Design (LEED) certification standards: Collinwood Recreation Center, the Kirtland Pump Station and the Bike Rack; and

Whereas, most recently the City adopted a Sustainable Municipal Building Policy which outlines minimum requirements that City departments and divisions must take when siting, designing, constructing,

remodeling, repairing, maintaining, operating and deconstructing city facilities; and

Whereas, the Policy mandates that all occupied City-owned new construction and major renovations over 10,000 square feet, including building additions, and entering the design phase after January 1, 2013, shall achieve LEED Silver certification or higher and meet certain listed minimum performance levels; and

Whereas, the Policy further mandates that all city-owned new construction under 10,000 square feet shall strive to achieve LEED Silver certification or higher, as well as meet certain listed minimum performance levels; and

Whereas, green building is a proactive way to guard against the rising costs of materials, construction, waste removal and energy, and studies have shown that reasonable levels of sustainable design can be incorporated into most building types at little or no additional cost; and

Whereas, the Policy states that the City shall seek financing from federal, state and local sources in order to facilitate projects at a level suitable to meet Policy standards; and

Whereas, this Council, as a strong supporter of this Policy, has asked that the administration provide annual progress reports regarding the execution of the Policy; and

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

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

**Section 1.** That this Council supports the City's initiative to establish a Sustainable Municipal Building Policy which will incorporate green building practices into the siting, design, construction, remodeling, repair, maintenance, operation and deconstruction of all City facilities.

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

Adopted April 22, 2013.  
Effective April 25, 2013.

**Ord. No. 169-13. By Council Members Cimperman, K. Johnson, Dow, Polensek, Brancatelli and Conwell.**

**An emergency ordinance to amend Section 453.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2255-05, passed December 8, 2008, adding Martin Luther King Day as a day on which parking meter zone regulations shall not apply.**

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

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

**Section 1.** That Section 453.01 of the Codified Ordinances of Cleve-

land, Ohio 1976, as amended by Ordinance No. 2255-05, passed December 8, 2008, is amended as follows:

**Section 453.01 Parking Regulations in Parking Meter Zones**

(a) No person shall park a vehicle in a space adjacent to a street parking meter unless the curb side wheels of such a vehicle are parallel with and not more than twelve (12) inches from the curb. The front and rear extremities of the vehicle shall be between adjacent meter posts or not more than three (3) feet from the post of an end meter. Whenever a vehicle is parked in a street parking meter zone where a meter has been installed, the person parking such vehicle shall deposit in such parking meter a coin of United States money of the denomination designated on the plates attached to such parking meter, if such meter displays the signal showing that legal parking is only permitted on such deposit.

(b) The coins required in parking meter zones shall be as follows:

(1) In the Downtown Parking Area, as defined in Section 403.04, but excluding Institutional Areas, as defined herein, twenty-five cents (\$.25) per twenty (20)-minute period;

(2) In Institutional Areas, fifty cents (\$.50) per hour or any portion thereof. For purposes of this section, an "Institutional Area" means the area adjacent to any hospital or educational institution in the City;

(3) In all other areas of the City, twenty-five cents (\$.25) per hour or any portion thereof.

(c) Notice to the public shall be given by appropriate signs, setting forth the length of time for which parking is permitted and the conditions thereof. These may be upon the parking meter stand or in the immediate vicinity. Any vehicle which remains in a metered parking zone after the prescribed time for parking is hereby determined to be illegally parked. At each place where street metered parking zones are so established as provided in Section 403.06 and are so marked off, each vehicle shall be parked entirely within a metered parking zone space. The provisions of this section shall not apply to vehicles parking upon the street of the City between the hours of 6:00 p.m. in the evening until 7:00 a.m. the following morning and upon Saturdays, Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Martin Luther King Day, unless a different rule or regulation is otherwise set forth in this Traffic Code, and shall not apply to any parking meter space in the downtown parking area, as defined in Section 403.04, on the day after Thanksgiving ("Black Friday") and December 26th.

**Section 2.** That existing Section 453.01 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 2255-05, passed December 8, 2008, is repealed.

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

from and after the earliest period allowed by law.

Passed April 22, 2013.  
Effective April 25, 2013.

**Ord. No. 245-13.  
By Council Members K. Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football 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 Works is authorized to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program and to pay participant entry fees, in an amount not to exceed \$80,098, payable from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2013-10.

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

Passed April 22, 2013.  
Effective April 25, 2013.

**Ord. No. 246-13.  
By Council Members K. Johnson and Kelley (by departmental request).**

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

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; and

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

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

**Section 1.** That the Director of Public Works is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training and supervise the summer tennis program, in an amount not to exceed \$289,511, payable from Fund Nos. 01-7004-6380, Request No. RQS 7004, RL 2013-14.

**Section 2.** That this ordinance is declared to be an emergency mea-

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

Passed April 22, 2013.  
Effective April 25, 2013.

**Ord. No. 357-13.  
By Council Members Miller and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to MIKE & EDDIE PROPERTY INVESTMENT LLC to encroach into the public right-of-way of Denison Avenue by installing, using, and maintaining a parking lot and to acquire an easement from MIKE & EDDIE PROPERTY INVESTMENT LLC for sidewalk purposes.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to MIKE & EDDIE PROPERTY INVESTMENT LLC, 7100 Denison Avenue, Cleveland, Ohio, 44102 ("Permittee"), to encroach into the public right-of-way of Denison Avenue by installing, using, and maintaining a parking area, and to acquire an easement from MIKE & EDDIE PROPERTY INVESTMENT LLC for sidewalk purposes at the following locations:

**Parking Lot Encroachment**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 26, 27, 34, and 35, and being a 4 foot strip of land within the Right-of-Way of Denison Avenue (width varies) as Widened in Volume 182, Page 43 of Cuyahoga County Map Records.

Said 4 foot strip abuts the northerly Right-of-Way of said Denison Avenue at a point 78.62 feet west of the south-easterly corner of property conveyed to Mike and Eddie Property Investment L.L.C. by deed recorded in AFN 201007090232 and 233, and runs west along the northerly Right-of-Way of Denison Avenue for a total distance of 191.17 feet to a point of reverse curvature.

Be the same, more or less, but subject to all legal highways and easements, according to a legal description prepared by Louise A. Veverka, dated January 28, 2013.

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 3.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**Section 5.** That notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, that the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from Permittee, in and to the premises described, at no cost to the City, for the sidewalk purposes, more fully described as follows:

**Sidewalk Easement**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 26, 27, 34, and 35, and being two parcels on the northerly Right-of-Way of Denison Avenue (width varies) as Widened in Volume 182, Page 43 of Cuyahoga County Map Records.

**Parcel 1**

Beginning at the southeasterly corner of property conveyed to Mike and Eddie Property Investment L.L.C. by deed recorded in AFN 201007090232 and 233;

Thence North 63° 37' 15" West, 74.68 feet to the PRINCIPAL PLACE OF BEGINNING of a parcel of land herein described;

Thence North 63° 37' 15" West, 3.95 feet;

Thence North 65° 09' 15" West, 26.48 feet;

Thence North 85° 04' 17" East, 14.54 feet;

Thence South 67° 25' 29" East, 6.46 feet to the PRINCIPAL PLACE OF BEGINNING.

**Parcel 2**

Beginning at the southwesterly corner of property conveyed to Mike and Eddie Property Investment L.L.C. by deed recorded in AFN 201007090232 and 233;

Thence 24.93 feet along the arc of a curve deflecting to the left having a radius of 543.69 feet and a chord of 24.93 feet which bears South 58° 24' 54" East to the PRINCIPAL PLACE OF BEGINNING of a parcel of land herein described;

Thence South 79° 46' 09" East, 24.57 feet;

Thence South 34° 35' 15" East, 11.33 feet;

Thence South 04° 35' 33" East, 6.82 feet;

Thence 23.29 feet along the arc of a curve deflecting to the right having a radius of 543.69 feet and a chord of 23.29 feet which bears North 56° 51' 13" West to a point of reverse curvature;

Thence 14.00 feet along the arc of a curve deflecting to the left, having a radius of 543.69 feet and a chord of 14.00 feet which bears North 56° 21' 50" West to the PRINCIPAL PLACE OF BEGINNING.

Be the same, more or less, but subject to all legal highways and easements, according to a legal description prepared by Louise A. Veverka, dated February 19, 2013.

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

**Section 6.** That the Director of Capital Projects is authorized to execute all documents, on behalf of the City of Cleveland, necessary to acquire certain rights in and to the premises.

**Section 7.** That the Director of Capital Projects is authorized to enter into one or more agreements necessary to acquire the easement authorized in this ordinance.

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

Passed April 22, 2013.

Effective April 25, 2013.

**Ord. No. 367-13.**

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

**An emergency ordinance authorizing the Director of Public Works to employ one or more professional consultants to analyze the performance of the department, including its divisions, and to recommend strategic and operational improvements leading to cost savings, operational efficiencies, and streamlining of service delivery.**

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 analyze the performance of the Department of Public Works, including its divisions, and to recommend strategic and operational improvements leading to cost savings, operational efficiencies, and streamlining of service delivery.

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

**Section 2.** That the cost of the contract or contracts authorized shall not exceed \$300,000 and shall be paid from funds appropriated in 2013 for this purpose.

**Section 3.** That the Director of Public Works shall report to the Chair of the Finance Committee on the consultant's findings ninety (90) days after completion of the study.

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

Passed April 22, 2013.

Effective April 25, 2013.

**Ord. No. 430-13.**

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

**An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.**

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 enter into one or more contracts with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$75,000.00, payable from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2013-31.

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

Passed April 22, 2013.

Effective April 25, 2013.

**Ord. No. 503-13.**

**By Council Members K. Johnson, Cleveland, Kelley, Cimperman, J. Johnson, Polensek, Zone, Westbrook, Brady, Pruitt, Brancatelli, Mitchell and Miller (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into a Memorandum of Agreement with the State of Ohio, by and through the Ohio Department of Natural Resources, to terminate the Lease Agreement for the lease of certain lakefront lands and properties along Lake Erie.**

Whereas, the City and State of Ohio, by and through the Ohio Department of Natural Resources, (the "State") entered into a Lease for certain Lakefront Lands dated as of April 26, 1978 and recorded in the Cuyahoga County Recorder's Office in Volume 526, Page 973, as amended, (the "State Lease"); and

Whereas, pursuant to the State Lease, the City leased to the State the following lakefront parks and properties located in Cleveland, Ohio along Lake Erie: (1) Edgewater Park; (ii) the portion of East 55th Street/Gor-

don Park that is north of I-90 (including, among other things, the East 55th Street ODNR Headquarters and the East 72nd Street Maintenance Facility and Fishing Area); (iii) Euclid Beach Park; and (iv) Villa Angela/Wildwood Park (collectively, the "Lakefront Parks"); and

Whereas, the State currently manages and operates marinas at East 55th Street (the "E55th Street Marina"), Edgewater Park (the "Edgewater Marina") and Wildwood Park (the "Wildwood Marina"; the E55th Street Marina, the Edgewater Marina and the Wildwood Marina are hereinafter referred to collectively as the "Marinas"); and

Whereas, the Edgewater Marina, E55th Street Marina and Wildwood Marina are operated by concessionaires pursuant to concession agreements (the "Marina Concession Agreements"); and

Whereas, the State has subleased the Edgewater Yacht Club, Forest City Yacht Club, Inner-City Yacht Club, Lakeside Yacht Club and Wildwood Yacht Club (collectively the "Yacht Clubs") to private operators under individual subleases (collectively, the "Yacht Club Subleases"); and

Whereas, the State has entered into various food and service concession agreements relating to the Lakefront Parks (collectively, the "Service Concession Agreements"); and

Whereas, the Lakefront Parks, Marinas, Yacht Clubs and all other related buildings, easements, appurtenances, improvements and personal property located within or relating to the Lakefront Parks are hereinafter referred to collectively as the "Lakefront Park Properties"; and

Whereas, the State owns the approximately 13.47 acre parcel park known as Villa Angela Park; and

Whereas, the parties share the common goal to protect public safety, physical assets and public property while providing for the appropriate use and access to the Lakefront Parks by the general public and private interest in a manner most conducive to the public health, safety and welfare; and

Whereas, in furtherance of these goals, the parties have agreed to transfer the operation, management and control of the Lakefront Parks to the Board of Park Commissioners of the Cleveland Metropolitan Park District "Metroparks" consistent with Metroparks' strategic plan entitled "Cleveland Metroparks 2020: The Emerald Necklace Centennial Plan" (the "Strategic Plan"); and

Whereas, the State, on behalf of its Division of Watercraft wishes to enter into a 99-year lease with City for its existing boat dock structures and related improvements located on the west side of the "Tract - East 55th Street Marina", the "Watercraft Marina Lease"; and

Whereas, The Ohio General Assembly and the Governor have through the passage of Am. Sub. H. B. #51, section #503.20, Department of Natural Resources Parks Special Purposes, appropriation line item 725509 have appropriated, \$14,000,000.00 (the "Transition Fund") to be provided to the City to assist in the operations and maintenance of the Lakefront Parks; and

Whereas, the State and City have agreed to the terms of a Memorandum of Agreement under which the parties agree among other things, to the fol-

lowing: the State Lease with the City for the Lakefront Parks may be terminated, the City may accept assignment of all Marina Concession Agreements, Yacht Club Subleases, Service Concession Agreements, any and all personal property related to the operation of the Lakefront Parks, the City may acquire Villa Angela Park from the State, the City may enter into the Watercraft Marina Lease with the State, and the City may accept the Transition funds from the State, all in furtherance of an orderly transition of the operation of the Lakefront Park Properties from the State to Metroparks; 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 any ordinance to the contrary, the Director of Public Works is authorized to enter into a Memorandum of Agreement with the State of Ohio, by and through the Ohio Department of Natural Resources, to terminate the Lease Agreement for the above-stated purposes, substantially in the form of agreement contained in File No. 503-13-B, made a part of this ordinance as if fully rewritten.

**Section 2.** That the Memorandum of Agreement shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

**Section 3.** That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other agreements, documents and certificates, and take any other actions which may be necessary or appropriate to effect this ordinance, including but not limited to any conveyances, assignments, leases, and acceptance of funds.

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

Passed April 22, 2013.

Effective April 25, 2013.

**Ord. No. 504-13.**

**By Council Members Polensek, Westbrook, J. Johnson, K. Johnson, Cleveland, Kelley, Cimperman, Zone, Brady, Pruitt, Brancatelli, Mitchell and Miller (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into a Lease Agreement with the Board of Park Commissioners of the Cleveland Metropolitan Park District to lease certain City-owned Lakefront parks, including Villa Angela Park.**

Whereas, the City and State of Ohio, by and through the Ohio Department of Natural Resources, (the "State") entered into a Lease for certain Lakefront Lands dated as of April 26, 1978 and recorded in the Cuyahoga County Recorder's Office in Volume 526, Page 973, as amended, (the "State Lease"); and

Whereas, pursuant to the State Lease, the City leased to the State

the following lakefront parks and properties located in Cleveland, Ohio along Lake Erie: (i) Edgewater Park; (ii) the portion of East 55th Street/Gordon Park that is north of I-90 (including, among other things, the East 55th Street ODNR Headquarters and the East 72nd Street Maintenance Facility and Fishing Area); (iii) Euclid Beach Park; and (iv) Villa Angela/Wildwood Park (collectively, the "Lakefront Parks"); and

Whereas, under the authority of Ordinance No. 503-13, passed April 22, 2013 this Council authorized the termination of the State Lease, which provided for among other things, that the City accept assignment of all Lakefront Parks Marina Concession Agreements, Yacht Club Subleases, Service Concession Agreements, any and all personal property related to the operation of the Lakefront Parks, that Villa Angela Park be conveyed to the City, and that the City accept the transition funds from the State in the amount of \$14,000,000, ("Transition Funds") all in furtherance of an orderly transition of the operation of the Lakefront Park Properties from the State to The Board of Park Commissioners of the Cleveland Metropolitan Park District ("Metroparks"); and

Whereas, Metroparks is authorized to acquire and/or lease real property for the conservation of the natural resources of the State of Ohio and to develop, improve, protect and promote the use of parks pursuant and subject to the provisions of Chapter 1545 of the Ohio Revised Code; and

Whereas, in furtherance of Metroparks' goals and purpose and consistent with the Metroparks' strategic plan entitled "Cleveland Metroparks 2020: The Emerald Necklace Centennial Plan" (the "Strategic Plan"), Metroparks has agreed to lease and assume control, operation and management of the Lakefront Parks, including Villa Angela Park, and the City has agreed to lease the Lakefront Parks, including Villa Angela Park, to Metroparks and otherwise assist in connection with the transition of the operation of the Lakefront Park Properties from the State to Metroparks; and

Whereas, Metroparks has agreed to make certain capital improvements to the Lakefront Parks; and

Whereas, the City and Metroparks have agreed to the terms of a Lease Agreement under which the parties agree among other things, to the following: the City will transfer all Lakefront Parks to Metroparks, including Villa Angela Park, the City will assign to Metroparks all Marina Concession Agreements, Yacht Club Subleases and Service Concession Agreements, the City will transfer to Metroparks all personal property related to the operation of the Lakefront Parks, and the City will transfer the Transition Funds to Metroparks, which funds shall be used by Metroparks to assist in the operation and maintenance of the Lakefront Parks; 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 any ordinance to the contrary, the Director of Public Works is authorized to enter into a Lease Agreement with the Metroparks for the above-stated purposes, substantially in the form of agreement contained in File No. 504-13-B, made a part of this ordinance as if fully rewritten.

**Section 2.** That the Lease Agreement shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

**Section 3.** That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other agreements, documents and certificates, and take any other actions which may be necessary or appropriate to effect this ordinance.

**Section 4.** That the Lease Agreement shall require a representative from the Metroparks to report annually, beginning upon execution of the Lease, to the Clerk of Council concerning activities under the Lease. A representative from the Metroparks may be required to appear before a committee of Council, and shall appear if required.

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

Passed April 22, 2013.  
Effective April 25, 2013.

**Ord. No. 571-13.**

**By Council Member Brancatelli.**

**An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with LeadsOnline LLC for professional services necessary to provide access to an on-line automated scrap materials and used goods transaction information management system, including on-going training and support services, for a period not to exceed one year.**

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

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

**Section 1.** That the Director of Public Safety is authorized to enter into one or more contracts with LeadsOnline LLC for professional services necessary to provide access to an on-line automated scrap materials and used goods transaction information management system on the basis of its proposal dated August 30, 2012, in the total sum of \$59,841.00, for the Department of Public Safety, including on-going training and support services, for a period not to exceed one year. The contract or contracts shall be paid from Fund Nos. 01-8501-6415 and 10 SF 025, Request No. RQS 6001, RL 2013-7.

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

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

Passed April 22, 2013.  
Effective April 25, 2013.

**Ord. No. 573-13.**

**By Council Member Zone.**

**An emergency ordinance authorizing and directing the Director of Office of Capital Projects to issue a permit to the Detroit Shoreway Community Development Organization to stretch banners on Detroit at W. 57th & W. 65th just south of Detroit for the period from April 29, 2013 to May 20, 2013, inclusive, sponsoring the Cleveland Orchestra At Home In Gordon Square event.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Office of Capital Projects is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove banners on Detroit at W. 57th & W. 65th just south of Detroit for the period from April 29, 2013 to May 20, 2013, inclusive. Said banner shall be approved by the Director of Office of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance.

The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 22, 2013.  
Effective April 25, 2013.

**Ord. No. 574-13.**

**By Council Member Dow.**

**An emergency ordinance authorizing and directing the Director of Office of Capital Projects to issue a permit to the National Charitable Fund to stretch banners across E. 79th and Hough & across Lexington and E. 55th for the period from April 24, 2013 to May 20, 2013, inclusive, sponsoring the Annual Health Fair.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Office of Capital Projects is hereby authorized and directed to issue a permit to the National Charitable Fund to install, maintain and remove across street banners E. 79th and Hough and across Lexington and E. 55th, inclusive. Said banner shall be approved by the Director of Office of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 22, 2013.  
Effective April 25, 2013.

**Ord. No. 580-13.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$23,500,000 for the purpose of providing funds for bridges and roadway improvements and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Twenty Three Million Five Hundred Thousand Dollars (\$23,500,000) (the "Series 2013 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2013 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2013 Bonds is at least five (5) years and the maximum maturity of the Series 2013 Bonds is nineteen (19) years, as evidenced by the certificate contained in File No. 580-13-A; and

Whereas, the authorization for issuance of the Series 2013 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation

of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2013 Bonds in an aggregate principal amount not to exceed Twenty-Three Million Five Hundred Thousand Dollars (\$23,500,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, retaining walls, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way; installing gutters, sidewalks and related pedestrian improvements; constructing and improving culverts; constructing sanitary sewers and water lines; resetting and constructing catch basins and other storm drainage facilities; constructing, reconstructing, replacing, renovating and rehabilitating bridges; acquiring any real estate and interests in real estate, including easements, necessary for such purpose; and installing signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority, Security and Source of Payment.** The Series 2013 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2013 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2013 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2013 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee

(together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds") and one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

**Section 3. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2013 Bonds.** The Series 2013 Bonds shall be issued in fully registered form. The Series 2013 Bonds may be issued in one or more series or subseries. The Series 2013 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Fourth Supplement identified in Section 7. The Series 2013 Bonds shall be designated "Bridges and Roadway Improvement Bonds, Series 2013" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2013 Bonds shall be issued in one lot as fully registered Series 2013 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2013 Bonds shall be numbered as determined by the Director of Finance. The Series 2013 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2013 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2013 Bonds and the sale of the Series 2013

Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2013 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2013 Bonds shall not exceed six per cent (6.00%) per year. Interest on the Series 2013 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2013 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2013 Bonds shall be no later than August 1, 2033. The Series 2013 Bonds stated to mature in any year may be issued as serial Series 2013 Bonds or as term Series 2013 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2013 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2013 Bonds are issued as Term Series 2013 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Fourth Supplement).

The Series 2013 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2013 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2013 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Bond

which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Fourth Supplement.

If and to the extent provided in the Certificate of Award, the Series 2013 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2013 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

**Section 5. Sale of Series 2013 Bonds.** The Series 2013 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2013 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2013 Bonds, including: the principal amount of the Series 2013 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2013 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2013 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2013 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2013 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2013 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2013 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the

"Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2013 Bonds and the Original Purchaser agrees to buy the Series 2013 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2013 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Fourth Supplement, are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Series 2013 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2013 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund; and

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2013 Bonds).

**Section 7. Supplemental Indenture.** The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental indenture (the "Fourth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2013 Bonds, redemption of Series 2013 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2013 Bonds, defeasance of the Series 2013 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Fourth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Fourth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Fourth Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Fourth Supplement as may be necessary or appropriate to issue and sell the Series 2013 Bonds and to consum-

mate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Series 2013 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed Twenty Three Million Five Hundred Thousand Dollars (\$23,500,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding three percent (3.00%) per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Bridges and Roadway Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of twenty-five percent (25.00%) per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying

agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 9. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2013 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2013 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2013 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2013 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial

owners of the Notes or the Series 2013 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** (a) **Tax-Exempt Bonds.** The representations and covenants in this subsection (a) apply only to Series 2013 Bonds or Notes sold as obligations to which Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") applies, the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Bonds").

The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (i) the Tax-Exempt Bonds will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Tax-Exempt Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Bonds to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Tax-Exempt Bonds to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

(b) **Further Actions.** The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2013 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2013 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2013 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine,

or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2013 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2013 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2013 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2013 Bonds and any Notes and the tax status of the Series 2013 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2013 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2013 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2013 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2013 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 12. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings



open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2013 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2013 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2013 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefore.

**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of

such section, or parts of a section, so held to be invalid.

**Section 17. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2013 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2013 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

**Section 18. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

Passed April 22, 2013.  
Effective April 22, 2013.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 29, 2013  
9:30 a.m.**

**Health and Human Services Committee:** Present: Cimperman, Chair;

Keane, Kelley, Polensek. *Authorized Absence:* J. Johnson, Vice Chair; Conwell.

**11:00 a.m.**

**Public Service Committee**

Present: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney.

**1:30 p.m.**

**City Planning Committee, & Finance Committee:**

Present in Planning: Cleveland, Chair; Westbrook, Vice Chair; Brady, Keane, Zone. *Authorized Absence:* Conwell, Dow. *Pro tempore:* Pruitt, Brancatelli. Present in Finance: Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Mitchell, Pruitt, Westbrook, Zone. *Authorized Absence:* Miller.

**2:00 p.m.**

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

**Tuesday, April 30, 2013**

**1:30 p.m.**

**Employment, Affirmative Action and Training Committee:**

Present: Zone, Chair; Pruitt, Vice Chair; J. Johnson, K. Johnson, Mitchell, Westbrook. *Authorized Absence:* Cummins.

**Wednesday, May 1, 2013**

**9:30 a.m.**

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

**1:30 p.m.**

**Public Utilities Committee:** Present: Pruitt, Chair; Brady, Vice Chair; Cummins, Dow, Kelley, Miller, Polensek. *Authorized Absence:* Conwell, Westbrook.

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