

The City Record

Official Publication of the Council of the City of Cleveland



September the Twelfth, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

The City Record is available online at
www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, SEPTEMBER 12, 2012

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CITY COUNCIL

MONDAY, SEPTEMBER 10, 2012

The City Record
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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

2:00 P.M. — **Finance Committee:** 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, J. Johnson, Mitchell.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 10, 2012

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

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

Also present were: Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Jenita McGowan, Chief of Sustainability, Natoya J. Walker Minor, Chief of Public Affairs, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Butler, Cox, Southerington, Nichols, Fumich and Teresa Stevenson of Legislative Affairs.

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

MOTION

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

COMMUNICATIONS

File No. 1285-12.

September 10, 2012

Allan Dreyer
Deputy Clerk
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Mr. Dreyer:

In the absence of Clerk Patricia J. Britt, you are hereby requested, without objection by Council, to serve as Clerk of Council Pro Tempore for the purpose of the meeting of Council on September 10, 2012.

Your assistance is appreciated.

Sincerely,
Martin J. Sweeney,
President Council

Received.

File No. 1269-12.

From Ohio Auditor of State — Certified Audit Report — City of Cleveland, Year ending December 31, 2011. Received.

File No. 1189-12.

From Cuyahoga Metropolitan Housing Authority, Real Estate and Development Administration — Fairfax Intergenerational Housing, East 79th Street, East 83rd Street, Central and Golden Avenues (Ward 6) — notification letter as general partner of residential rental development project and utilizing multi-family funding programs of the Ohio Housing Finance Agency (OHFA). Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 1190-12.

Re: 5096604 — D3D — New Application — Legendary GCE Group, LLC, d.b.a. Rumor, 1266 West 6th Street. Ward 3. Received.

File No. 1191-12.

Re: 5096604 — D1, D2, D3, D6 — Economic Development Transfer to another taxing district — Legendary GCE Group, LLC, d.b.a. Rumor, 1266 West 6th Street. Ward 3. Received.

File No. 1192-12.

Re: 9041602 — D1, D2, D3, D3A — Transfer of Ownership Application — Tremont Enterprises, LLC, d.b.a. Lago, 1st floor and rear patio, 2221 Professor Street. Ward 3. Received.

File No. 1193-12.
Re: 88712680005 — D1, D2, D3, D3A — Transfer of Ownership Application — Thinema Group LTD, d.b.a. Duck Island Club, 2102 Freeman Avenue, 1st floor and basement. Ward 3. Received.

File No. 1194-12.
Re: 2840000 — C2, C2X — Transfer of Ownership Application — 415 68th Street Deli, Inc., 3643 East 116th Street. Ward 6. Received.

File No. 1195-12.
Re: 6428550 — C2, C2X — Transfer of Location Application — Noelle, Inc., 10933 Superior Avenue. Ward 8. Received.

File No. 1196-12.
Re: 5461550 — C1 — New Application — Kella Malone, d.b.a. Alyakaj, 720 East 131st Street. Ward 10. Received.

File No. 1197-12.
Re: 273000 — C1 — Transfer of Ownership Application — 5105 Quick Food, Inc., 5105 Franklin Avenue. Ward 15. Received.

File No. 1198-12.
Re: 7149083 — C2, C2X — Transfer of Ownership Application — R & J Market, LLC, d.b.a. R & J Market, 2044 West 65th Street. Ward 15. Received.

File No. 1199-12.
Re: 0093603 — C1 — New Application — Alba Market, LLC, d.b.a., Alba Fresh Market, 3353 West 117th Street. Ward 17. Received.

File No. 1200-12.
Re: 9698550 — D5J, D6 — Transfer of Ownership Application — Winners AP LTD, d.b.a. Winners Sports Bar and Grill, 3300 Riverside Drive, C365. Ward 18. Received.

File No. 1201-12.
Re: 8114058 — C1, C2 — Transfer of Ownership Application — Shriya, Inc., d.b.a. Franks Deli and Beverage, 4051 West 140th Street. Ward 18. Received.

OATHS OF OFFICE

File No. 1202-12.
From: John Coughlin — Captain — Division of Fire. Received.

File No. 1203-12.
From: Michael Zedella — Battalion Chief — Division of Fire. Received.

File No. 1204-12.
From: Patrick Wallenhorst — Lieutenant — Division of Fire. Received.

File No. 1205-12.
From: Mark Sahley — Lieutenant — Division of Fire. Received.

File No. 1206-12.
From: Timothy Todten — Lieutenant — Division of Fire. Received.

File No. 1207-12.
From: Neal O'Donnell — Lieutenant — Division of Fire. Received.

File No. 1208-12.
From: William Gill, III — Lieutenant — Division of Fire. Received.

File No. 1209-12.
From: Edward P. Lentz — Sergeant — Division of Police. Received.

File No. 1210-12.
From: Andrew Desatnik — Sergeant — Division of Police. Received.

File No. 1211-12.
From: Melissa Dawson — Sergeant — Division of Police. Received.

File No. 1212-12.
From: Dana Saffo — Sergeant — Division of Police. Received.

File No. 1213-12.
From: Arnel Rose — Sergeant — Division of Police. Received.

File No. 1214-12.
From: Joe DiMuzio — Sergeant — Division of Police. Received.

File No. 1215-12.
From: Jerry Tucker, Jr. — Sergeant — Division of Police. Received.

File No. 1216-12.
From: Brian Chetnik — Sergeant — Division of Police. Received.

File No. 1270-12.
From: Arthur Littell — Sergeant — Division of Police. Received.

File No. 1271-12.
From: Steven Cornacchione — Sergeant — Division of Police. Received.

File No. 1272-12.
From: Brian Lockwood — Sergeant — Division of Police. Received.

File No. 1273-12.
From: Brian DeGardeyn — Lieutenant — Division of Police. Received.

File No. 1274-12.
From: Frederick McMickle — Captain — Division of Fire. Received.

File No. 1275-12.
From: Anthony Luke — Battalion Chief — Division of Fire. Received.

File No. 1276-12.
From: Charles Kelley — Lieutenant — Division of Fire. Received.

File No. 1277-12.
From: Matthew Corrigan — Lieutenant — Division of Fire. Received.

STATEMENT OF WORK ACCEPTANCE

File No. 1217-12.
From Director of Public Utilities — Contract PI2010000000054 with Shook, Inc. for Crown Filter Rehabilitation Project #601. Date of acceptance: February 23, 2011. (Received.)

File No. 1218-12.
From Director of Public Utilities — Contract PI2010000000044 with Panzica Construction Company for Warehouse Improvements Project. Date of acceptance: February 29, 2011. (Received.)

File No. 1267-12.
From Director of Public Utilities — Contract 2011-12 with Kenmore Construction Co. for Brecksville Tower Re-Chlorination System. Date of acceptance: April 30, 2012. (Received.)

File No. 1268-12.
From Director of Public Utilities — Contract PI2011000000050 with Terrance Construction Company, Inc. for Water Main Replacements on West Park Boulevard, Lansmore Road and Stockholm Road (City of Shaker Heights). Date of acceptance: June 1, 2012. (Received.)

CONDOLENCE RESOLUTIONS

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

Res. No. 1286-12—Edward Moon Horner.

Res. No. 1287-12—Bonadine P. Nguyen.

Res. No. 1288-12—Rosemary Nichols.

Res. No. 1289-12—Mattie Gurewitz.
Res. No. 1290-12—Sammy Adair Winkfield IV.

Res. No. 1291-12—Inez Manns.
Res. No. 1292-12—Eugene Pearson, Jr.

Res. No. 1293-12—Sergio Abramof.
Res. No. 1294-12—Frances Ida Benton.

Res. No. 1295-12—Toby Douglas Belle.

Res. No. 1296-12—Howard S. Cornell.

Res. No. 1297-12—William J. Dempsey.

Res. No. 1298-12—Clara Mae Tidmore.

Res. No. 1299-12—Gloria Janos.
Res. No. 1300-12—George T. O'Malley.

Res. No. 1301-12—Nancy Herkin Rodd.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1302-12—Brooklyn Centre — (Bicentennial Anniversary).

Res. No. 1303-12—Francis Christie Cavotta.

Res. No. 1304-12—Ann Zornes.
Res. No. 1305-12—Dr. Joseph Patrick Meissner.

Res. No. 1306-12—Marie Green.
Res. No. 1307-12—Viola Stoner.

Res. No. 1308-12—Herman R. Douthard.

Res. No. 1309-12—Orion Stanley.
Res. No. 1310-12—Mayor Gary Norton, Jr.

Res. No. 1311-12—Gregory M. Sadler.

Res. No. 1312-12—Walter Borkowski.

Res. No. 1313-12—Alina (Bak) Czernek.

Res. No. 1314-12—Sylvia Rucinski.
Res. No. 1315-12—Frederick R. & Jacquelyn Nance.

Res. No. 1316-12—Albanian American Association of Cleveland.

RECOGNITION RESOLUTIONS

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

Res. No. 1317-12—National Hispanic Heritage Month.

Res. No. 1318-12—Order Italian Sons and Daughters of America.

Res. No. 1319-12—Wilma Smith.

Res. No. 1320-12—George L. Forbes, Esq.

Res. No. 1321-12—Rev. Richard T. Parker.

Res. No. 1322-12—The Cleveland Velodrome.

COMMEMORATION RESOLUTIONS

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

Res. No. 1323-12—Christine L. Krosel (dedication of Christine Krosel Dog Park).

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1226-12.

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

An emergency ordinance to add the name of Preston H. Terry Jr. Way as a secondary name to East 34th Street from Central Avenue to Project Avenue.

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, to add the name of Preston H. Terry Jr. Way as a secondary name to East 34th Street from Central Avenue to Project Avenue.

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

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

Ord. No. 1227-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Ohio Technical College to encroach into the public right-of-way at and above 1448 East 51st Street by installing, using, and maintaining an entrance canopy and two support posts.

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 Ohio Technical College, 1374 East 51st Street, Cleveland, Ohio 44103 ("Permittee"), to encroach into the public right-of-way at and above 1448 East 51st Street by installing, using, and maintaining an entrance canopy and two support posts at the following location:

Canopy Encroachment

In front of the doorway located on the west right-of-way of East 51st Street approximately 215 feet north of the north right-of-way of Superior Avenue, the canopy's dimensions being approximately 10' 6" wide by 12' 10" deep and 7' 6" high from the sidewalk at its lowest point.

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

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

Ord. No. 1228-12.

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

An emergency ordinance to amend Section 1 of Ordinance No. 879-12, passed July 11, 2012, relating to authorizing the Director of Capital Projects to issue a permit to LDC James LLC to encroach beneath the public right-of-way of Euclid Avenue by installing, using, and maintaining an 18" x 18" concrete square communication duct bank.

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 1 of Ordinance No. 879-12, passed July 11, 2012, is amended to read as follows:

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to LDC James LLC, 28045 Ranney Parkway, Suite E, Westlake, Ohio 44145 ("Permittee"), to encroach beneath the public right-of-way of Euclid Avenue by installing, using, and maintaining four 5-inch diameter raceways that are encased within an 18" x 18" square concrete communication duct bank, at the following location:

10' Wide Encroachment

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 10 Acre Lot No. 53 and part of the right of way of Euclid Avenue, and further bounded and described as follows:

Beginning at a 3/4" pin in a monument box, marking the intersection of the centerline of Euclid Avenue (99' wide) with the centerline of East 18th Street (66' wide);

Thence South 00°08'45" West along the centerline of said East 18th Street, a distance of 49.50 feet to a point;

Thence South 89°47'45" East, along the Southerly right of way line of Euclid Avenue, a distance of 165.43 feet to the Northwesterly corner of said Lot 53, said corner also being the Northwesterly corner of a parcel of land conveyed to 1836 Euclid Avenue LLC by deed recorded in AFN 201103300301 of Cuyahoga County Recordors' Records;

Thence continuing South 89°47'45" East, a distance of 20.00 feet to the principal place of beginning.

Thence North 00°12'15" East, a distance of 99.00 feet to a point on the Northerly right of way line of Euclid Avenue;

Thence South 89°47'45" East along the Northerly right of way line of Euclid Avenue, a distance of 10.00 feet to a point.

Thence South 00°12'15" West, a distance of 99.00 feet to a point on the Southerly right of way line of Euclid Avenue;

Thence North 89°47'45" West along said Southerly right of way line, a distance of 10.00 feet to the principal place of beginning and containing 990.00 Square Feet of land, according to a survey by George A. Hofmann, Registered Surveyor No. 6752.

The basis of bearings is the centerline of Euclid Avenue, bearing South 89°47'45" East. The courses used in this description are used to indicate angles only. Distances are given in feet and decimal parts thereof.

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

Section 2. That existing Section 1 of Ordinance No. 879-12, passed July 11, 2012, is repealed.

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

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

Ord. No. 1229-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the Ludlow Community Association to encroach into the public right-of-way of Hampton Road by installing, using, and maintaining a 15 foot by 15 foot public art object consisting of twelve 6" by 96" triangular columns.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to the Ludlow Community Association, 13702 Corby Road, Cleveland, Ohio 44120 ("Permittee"), to encroach into the public right-of-way of Hampton Road S.E. by installing, using, and maintaining a 15 foot by 15 foot public art object consisting of twelve 6" by 96" triangular columns at the following location:

15 foot by 15 foot

Square Area Encroachment

7 foot off the west curb and 7 foot off the back of the north sidewalk of the median strip of Hampton Road S.E. just south of South Woodland Road.

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications 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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1230-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to PSC Hanna Building LLC to encroach into the public rights-of-way beneath East 14th Street and Prospect Avenue by using and maintaining existing basement walls and utility vault area.

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 PSC Hanna Building

LLC, 1501 Euclid Avenue, Suite 200, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public rights-of-way beneath East 14th Street and Prospect Avenue by using and maintaining existing basement walls and utility vault area at the following location:

LEGAL DESCRIPTION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of East 14th Street (86 feet wide), and Prospect Avenue (82.5 feet wide), and bounded and describes as follows:

Beginning at a point in the centerline of East 14th Street at its intersection with the centerline of Prospect Avenue;

Thence North 81° 31' 36" East along the centerline of Prospect Avenue, 143.11 feet to a point;

Thence North 8° 23' 01" West, 41.25 feet to a point in the northerly line of Prospect Avenue at its intersection with the easterly line of a parcel of land conveyed to PSC Hanna Building LLC by deed recorded as AFN 199908241362 of Cuyahoga County Records, and the principal place of beginning of the easement herein described;

Thence South 8° 23' 01" East, 10.00 feet to a point;

Thence South 81° 31' 36" West, 114.00 feet to a point;

Thence North 66° 25' 41" West, 31.60 feet to a point;

Thence North 34° 13' 49" West, 191.66 feet to a point;

Thence North 55° 46' 11" East, 10.00 feet to a point in the northeasterly line of East 14th Street;

Thence South 34° 13' 49" East along the northeasterly line of East 14th Street, 204.00 feet to its intersection with the northerly line of Prospect Avenue;

Thence North 81° 31' 36" East along the northerly line of Prospect Avenue, 126.43 feet to the principal place of beginning as described by Donald G. Bohning & Associates, Inc. in July, 2012.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

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, if applicable, 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 this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

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

Ord. No. 1231-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to AJAPPJR Uptown LLC to encroach into the public right-of-way of, beneath, and above Euclid Avenue by installing, using, and maintaining building foundations and upper floor building faces.

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 AJAPPJR Uptown LLC, 629 Euclid Avenue, Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of, beneath and above Euclid Avenue by installing, using, and maintaining building foundations and upper floor building faces at the following locations:

FOUNDATIONS ENCROACHMENT FOR 11451 EUCLID AVENUE CLEVELAND, OHIO (BEACH SITE)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part Parcel 286 SH of the Original One Hundred Acre Lot No. 395, which is a perpetual right of way and use easement for Greater Cleveland Regional Transit Authority as recorded in Auditors File Number 200701190494 of the Cuyahoga County Deed Records and further bounded and described as follows:

Beginning at the centerline intersection of Euclid Avenue (State Route 20) (width varies) and East 115th Street (50 feet wide) (formerly Rosedale Avenue);

Thence North 31° 07' 22" West along the centerline of East 115th Street, 52.00 feet to a point;

Thence South 42° 54' 48" West, 26.00 feet to the westerly line of East 115th Street and the northeasterly corner of Parcel 286 SH;

Thence South 42° 54' 48" West continuing along the northerly line of Parcel 286 SH, 57.77 feet to the Principal Place of Beginning of the easement herein described;

Thence South 42° 05' 12" East, 3.00 feet to a point;

Thence South 42° 54' 48" West, 275.00 feet to a point;

Thence North 42° 05' 12" West, 3.00 feet to the northerly line of Parcel 286 SH;

Thence North 42° 54' 48" East along the northerly line of Parcel 286 SH, 275.00 feet to the Principal Place of Beginning and containing 0.0189 acres of land as surveyed and described by Edward Dudley of the Riverstone Company in November, 2010, be the same, more or less but subject to all legal highways, restrictions, reservations and easements of record.

**FOUNDATIONS ENCROACHMENT
FOR 11452 EUCLID AVENUE
CLEVELAND, OHIO
(TRIANGLE SITE)**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part Parcel 288A SH of the Original One Hundred Acre Lot No. 395, which is a perpetual right of way and use easement for Greater Cleveland Regional Transit Authority as recorded in Auditors File Number 200610180556 of the Cuyahoga County Deed Records and further bounded and described as follows:

Beginning at the centerline intersection of Euclid Avenue (State Route 20) (width varies) and East 115th Street (50 feet wide) (formerly Rosedale Avenue);

Thence North 42° 52' 53" East along the centerline of Euclid Avenue, 69.08 feet to the vacated centerline of East 116th Street (23 feet wide) (Ordinance No. 28-26-77) as recorded in the Vacation Plat of East 116th Street and recorded in Volume 221, Page 65 of Cuyahoga County Map Records;

Thence South 47° 13' 07" East along the centerline of the vacated centerline of East 116th Street and passing through the southerly line of Euclid Avenue at 40.00 feet and being the westerly line of land conveyed to University Circle Development Foundation nka University Circle Incorporated (P.P.N. 120-29-018) and recorded in Volume 12337, Page 263 of Cuyahoga County Deed Records, a distance of 50.00 feet to the southerly line of Parcel 288A SH;

Thence South 42° 52' 53" West along the southerly line of Parcel 288A SH, 103.36 feet to the Principal Place of Beginning of the easement herein described;

Thence South 42° 52' 53" West continuing along the southerly line of Parcel 288A SH, 105.00 feet to a point;

Thence North 47° 07' 07" West, 5.00 feet to a point;

Thence North 42° 52' 53" East, 105.00 feet to a point;

Thence South 47° 07' 07" East, 5.00 feet to the Principal Place of Beginning and containing 0.0121 acres of land as surveyed and described by Edward Dudley of the Riverstone Company in November, 2010, be the same, more or less but subject to all legal highways, restrictions, reservations and easements of record.

**UPPER FLOOR ENCROACHMENT
FOR 11452 EUCLID AVENUE
CLEVELAND, OHIO
(TRIANGLE SITE)**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part Parcel 288A SH of the Original One Hundred Acre Lot No. 395, which is a perpetual right of way and use easement for Greater Cleveland Regional Transit Authority as recorded in Auditors File Number 200610180556 of the Cuyahoga County Deed Records and further bounded and described as follows:

Beginning at the centerline intersection of Euclid Avenue (State Route 20) (width varies) and East 115th Street (50 feet wide) (formerly Rosedale Avenue);

Thence North 42° 52' 53" East along the centerline of Euclid Avenue, 69.08 feet to the vacated centerline of East 116th Street (23 feet wide) (Ordinance No. 28-26-77) as recorded in the Vacation Plat of East 116th Street and recorded in Volume 221, Page 65 of Cuyahoga County Map Records;

Thence South 47° 13' 07" East along the centerline of the vacated centerline of East 116th Street and passing through the southerly line of Euclid Avenue at 40.00 feet and being the westerly line of land conveyed to University Circle Development Foundation nka University Circle Incorporated (P.P.N. 120-29-018) and recorded in Volume 12337, Page 263 of Cuyahoga County Deed Records, a distance of 50.00 feet to the southerly line of Parcel 288A SH;

Thence South 42° 52' 53" West along the southerly line of Parcel 288A SH, 103.36 feet to the Principal Place of Beginning of the easement herein described;

Thence South 42° 52' 53" West continuing along the southerly line of Parcel 288A SH, 300.00 feet to a point;

Thence North 47° 07' 07" West, 1.00 foot to a point;

Thence North 42° 52' 53" East, 300.00 feet to a point;

Thence South 47° 07' 07" East, 1.00 foot to the Principal Place of Beginning and containing 0.0069 acres, having a lower elevation of 701.88, as surveyed and described by Edward Dudley of the Riverstone Company in November, 2010, be the same, more or less but subject to all legal highways, restrictions, reservations and easements of record.

Basis of Bearing:

The centerline of Euclid Avenue as North 42° 52' 53" East as shown on the Euclid Corridor Survey Monuments and Centerline Plat prepared by the City of Cleveland, Dated October 25, 2010.

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications 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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1233-12.

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

An emergency ordinance to amend Section 559.242 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1062-06, passed December 11, 2006, relating to the Turkish Cultural Garden.

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 559.242 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1062-06, passed December 11, 2006, is amended to read as follows:

Section 559.242 Turkish Garden

0.9203 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58°43'50" West, along the centerline of said St. Clair Street, N.E. a distance of 301.46 feet;

Thence at right angles from said centerline North 31°16'10" West a distance of 281.85 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence parallel to and approximately 5.5' East of the edge of pavement of an existing private drive the following three (3) courses and distances, each to a capped 5/8" iron pin set:

Along a curve deflecting to the right, having a radius of 329.00 feet, a central angle of 22°21'14", an arc of 128.36 feet, a chord of 127.55 feet, which bears North 33°36'55" West;

Along a curve deflecting to the right, having a radius of 725.00 feet, a central angle of 9°29'33", an arc of 120.11 feet, a chord of 119.98 feet, which bears North 12°46'17" West;

Along a curve deflecting to the left, having a radius of 1053.00 feet, a central angle of 5°51'31", an arc of 107.67 feet, a chord of 107.62 feet, which bears North 9°20'27" West to the Southwest corner of Proposed Garden #28;

Thence along the South line of said Proposed Garden #28, North 61°34'42" East 80.00 feet to the Southeast corner thereof, a capped 5/8" iron pin set;

Thence along the following four (4) courses and distances, each to a capped 5/8" iron pin set:

South 42°55'17" East a distance of 124.14 feet;

South 3°44'30" East a distance of 143.42 feet;

South 6°16'44" West a distance of 118.31 feet;

South 66°36'56" West a distance of 40.00 feet to the principal place of beginning and containing 0.9203 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the

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

Bearings are based on the centerline of St. Clair Street, N.E. (South 58°43'50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 2. That existing Section 559.242 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1062-06, passed December 11, 2006, is repealed.

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

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

Ord. No. 1234-12.

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

An emergency ordinance to repeal Sections 213.01, 213.02, and 213.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 213.01 and 213.02, relating to swimming pools, spas, and special use pools.

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

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

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

Section 213.01, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 213.02, as amended by Ordinance No. 986-88, passed November 28, 1988; and

Section 213.03 as amended by Ordinance No. 2587-80, passed March 2, 1981, are repealed.

Section 2. That the Codified Ordinances are supplemented by enacting new Sections 213.01 and 213.02 to read as follows:

**CHAPTER 213
Swimming Pools, Spas and
Special Use Pools**

Section 213.01 Public Swimming Pools, Public Spas and Special Use Pools; License and Fee

(a) Every person who intends to operate or maintain a new or existing public swimming pool, public spa, or special-use pool, as defined in Ohio Administrative Code rule 3701-31-01, shall, during the month of April of each year, apply for, and receive, a license, in accordance with requirements of the Ohio Administrative Code Chapter 3701-31 and Chapter 3749 of the Revised Code. The application shall be made to the Commissioner of Assessments and Licenses.

(b) No person shall operate or maintain a public swimming pool, public spa, or special-use pool without a license issued by the Director of Public Health.

(c) In addition to the license fee required under section 3749.04 of the Revised Code for public swimming pools, public spas, and special-use pools, each application for a license shall be accompanied by a local combined license and inspection fee as follows:

(1) For an individual public swimming pool, individual public spa, or individual special use pool, the local fee shall be \$195.00.

(2) For a public swimming pool, public spa, or special use pool, that is owned or operated by a governmental agency or tax-supported primary or secondary public school, the local fee shall be \$40.00.

(d) The Commissioner shall submit all applications for a license required under Chapter 3749 of the Revised Code and under this Chapter of the Codified Ordinances to the Director of Public Health for approval or disapproval of the application.

(e) The Commissioner is authorized to collect license fees under this Chapter of the Codified Ordinances and under Section 3749.04 of the Revised Code and deposit such fees collected under Section 3749.04 of the Revised Code into the Swimming Pool Fund created under division (E) of Section 3749.04 of the Revised Code.

(f) The Commissioner shall transmit the appropriate amount of each license fee collected under Section 3749.04 of the Revised Code to the Treasurer of the State of Ohio under the requirements of the Revised Code for deposit in the General Operations Fund created by Section 3701.83 of the Revised Code, under the requirements of Section 3749.04 of the Revised Code.

Section 213.02 Private Residential Swimming Pools and Private Residential Spas

Any application for the construction, installation or alteration and maintenance of a private residential swimming pool or private residential spa, shall be made to the Director of Building and Housing under Section 3117.02 of the Codified Ordinances, and shall also be reviewed by the Commissioner of Environment. No permit shall be issued unless the method of disinfection and bactericidal treatment to be used and the type and range of water testing equipment have first been approved by the Commissioner of Environment.

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 Health, Finance, Law; Committees on Health and Human Services, Legislation, Finance.

Ord. No. 1237-12.

By Council Member Cimperman.

An emergency ordinance to amend Section 447.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1653-93, passed August 11, 1993, relating to route map and operations schedule of carriage businesses.

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 447.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1653-93, passed August 11, 1993 is amended to read as follows:

Section 447.06 Route Map and Operations Schedule

(a) A carriage business shall operate only upon routes and pursuant to schedules which have been submitted to and approved by the Commissioner of Traffic Engineering and the Police Traffic Commissioner.

(b) The route map and operations schedule shall be filed with the application for a carriage business license and shall contain the following:

(1) A map of the tour routes on which the business' carriages will operate;

(2) The location of any curbside areas to be designated as zones for pickup and discharge of passengers; and

(3) With respect to horse-drawn carriages, the location of the site or sites to be used for off-street storage, stabling, and loading of carriages and horses.

(c) The Commissioner of Traffic Engineering and the Police Traffic Commissioner may reject any route map and operations schedule, the implementation of which would result in the unsafe use of public rights of way or an unreasonable impediment to the orderly flow of traffic.

(d) The licensee may file with the Commissioner additional routes from time to time, provided that they have first been submitted to and approved by the Commissioner of Traffic Engineering and the Police Traffic Commissioner.

(e) Nothing in this section shall be construed to prohibit a licensee from operating on special routes for special events, including without limitation weddings, dinner-and-theater packages, concerts and other performances, provided that such routes have first been submitted to and approved by the Commissioner of Traffic Engineering and the Police Traffic Commissioner.

(f) Upon receipt of an application, the Commissioner of Assessments and Licenses shall notify the Council Member or Members in whose ward or wards a carriage business intends to operate. No license shall be issued until the expiration of thirty (30) days from the date of the notice, unless the period of thirty (30) days is expressly waived by the Council members in writing.

Section 2. That existing Section 447.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1653-93, passed August 11, 1993 is repealed.

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

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

**Ord. No. 1244-12.
By Council Members Mitchell and
Sweeney (by departmental request).**

An emergency ordinance to amend Section 609.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, relating to criminal child enticement.

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 609.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, is amended to read as follows:

Section 609.09 Criminal Child Enticement

(a) No person, with a sexual motivation as defined in RC 2971.01, or for any other criminal purpose, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen (14) years of age to accompany the person in any manner, including entering into any vehicle, as defined in RC 4501.01, or onto any vessel, as defined in RC 1547.01, whether or not the offender knows the age of the child, if both of the following apply:

(1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;

(2) The actor is not a law enforcement officer, medic, firefighter or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of his or her lawful duties in that capacity.

(b) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. This section does not apply if the offender previously has been convicted of this section or RC 2909.05, 2907.02, 2907.03, 2907.12, 2905.01, or 2907.05 when the victim of that prior offense was under seventeen (17) years of age at the time of the offense.
(RC 2905.05)

Section 2. That existing Section 609.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, is repealed.

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

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

**Ord. No. 1245-12.
By Council Member Sweeney (by
departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of ready mix concrete, materials, and supplies, for the various divisions of City govern-

ment, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with one option to renew for an additional one year period, exercisable by the Director of Finance, of the necessary items of ready mix concrete, materials, and supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 1501,RL 2012-54)

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

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

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

**Ord. No. 1246-12.
By Council Members Mitchell and
Sweeney (by departmental request).**

An emergency ordinance to amend Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 498-08, passed April 21, 2008, relating to the use of City credit cards.

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 171.40 of the Codified Ordinances of Cleve-

land, Ohio, 1976, as amended by Ordinance No. 498-08, passed April 21, 2008, is amended to read as follows:

Section 171.40 Use of City Credit Cards

(a) *Authorization.*

(1) A credit card held by the Clerk of Council may be used to pay the following work-related expenses of the Clerk, member of Council, and Council staff:

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council; and

E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats in connection with the performance of official duties.

(2) A credit card held by the Law Department Docket Clerk or any Law Department attorney may be used to pay the following work-related expenses:

A. Filing fees required by any court, board or tribunal;

B. Any other cost assessed by a court, board or tribunal other than judgments or settlements.

(3) A credit card held by the Finance Director, or his or her designee, may be used to pay the following work-related expenses:

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council; and

E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats and other similar events in connection with City business.

(4) A credit card held by the Commissioner of Purchases and Supplies, or his or her designee, may be used to pay the following work-related expenses: Business licenses, registrations, subscriptions, and other expenses in which a credit card is the only method of payment acceptable to the vendor.

Use of a City credit card for uses other than those listed in division (a) of this section shall be considered an unauthorized use.

Use of a City credit card in a manner inconsistent with any restriction or control placed on the card by the Director of Finance shall be considered an unauthorized use.

(b) No late charges or finance charges shall be allowed as an allowable expense on a City credit card unless authorized by the Director of Finance.

(c) Any debt incurred as a result of the use of a credit card under this section shall be paid from moneys appropriated in the budget to specific appropriation line items of the appointing authority for work-related expenses listed in division (a) of this section.

(d) Use of any credit card under division (a) of this section shall be limited to the amount appropriated in a specific appropriation line item for the permitted use or uses designated in division (a) and not otherwise encumbered.

(e) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee to reimburse the City Treasury for the amount charged to the City beyond the authorized amount or the amount of unauthorized use. If the card is issued to the office of an appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for the amount charged to the City beyond the authorized amount or for the amount of unauthorized use.

(f) Any time a City credit card authorized for use under this section is used for more than the amount appropriated and not otherwise unencumbered or is used for an unauthorized use, the City Treasury shall be reimbursed for any amount spent beyond the appropriated, otherwise unencumbered amount, or for the amount of unauthorized use, in the following manner:

(1) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee for reimbursing the City Treasury for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(2) If the card is issued in the name of the office of the appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for reimbursement for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(g) Whenever any officer or employee who is authorized to use a City credit card or the office of any other county appointing authority suspects the loss, theft, or possibility of unauthorized use of the card, the officer or employee shall notify the Director of Finance and either the officer's or employee's appointing authority immediately and in writing.

(h) If the Director of Finance determines there has been a credit card expenditure beyond the appropriated, otherwise unencumbered or the authorized amount or if the Director of Finance determines that there has been unauthorized use of a credit card, and if the Director of Finance determines that the City Treasury should be reimbursed for credit card expenditures beyond the appropriated, otherwise unencumbered or the authorized amount, or for the amount of the unauthorized use, the Director of Finance shall give written notice to the officer or employee or appointing authority of liability to the City Treasury in accordance with this section. If, within thirty (30) days after issuance of the written notice, the City Treasury is not reimbursed for the amount shown on the written notice, the Director of Law shall recover that amount from the officer or employee or appointing authority who is liable under this section by civil action in any court of appropriate jurisdiction.

(i) Use of a City credit card for any use other than those permitted under division (a) of this section is a violation of RC 2913.21.

(j) The Director of Finance may revoke credit card privileges and reclaim the credit cards as the Director deems necessary.

Section 2. That existing Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 498-08, passed April 21, 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.

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

Ord. No. 1247-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Substance Abuse and Mental Health Services Administration for the Regional Drug Court Project; and authorizing the Director to enter into one or more agreements with various suburban municipal courts, Recovery Resources, Inc., Community Assessment and Treatment Services, and Case Western Reserve University to implement the grant.

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$985,000, and any other funds that become available during the grant term, from the Substance Abuse and Mental Health Services Administration, to conduct the Regional Drug Court Project, for the purposes in the application; that the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1247-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Finance, on behalf of the Cleveland Municipal Court, shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more agreements with various suburban municipal courts, Recovery Resources, Inc., Community Assessment and Treatment Services, and Case Western Reserve University to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant

agreement may be made through cooperative arrangements with other governmental agencies. The Director of Finance, on behalf of the Cleveland Municipal Court, may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the cost of the agreement or purchases made under this ordinance shall be paid from the fund or funds to which are credited the grant funds accepted under this ordinance.

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

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

Ord. No. 1248-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Bureau of Justice Assistance for the Veterans Treatment Docket Program; and to enter into one or more contracts with Stella Maris, Inc., Case Western Reserve University, and Cuyahoga County to implement the program.

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$266,000, and any other funds that may become available during the grant term, from the Bureau of Justice Assistance, to conduct the Veterans Treatment Docket Program, for the purposes set forth in the grant; that the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the Applicant Information Page for the grant.

Section 2. That the Applicant Information Page for the grant, File No. 1248-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation to provide cash matching funds in the amount of \$9,936.00, from funds appropriated in 2013 and 2014 for this purpose, is approved in all respects.

Section 3. That the Director of Director of Finance, on behalf of the Cleveland Municipal Court, shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Finance, on behalf of Cleveland

Municipal Court, is authorized to enter into one or more contracts with Stella Maris, Inc., Case Western Reserve University, and Cuyahoga County to implement the program as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Finance, on behalf of the Cleveland Municipal Court, may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the cost of the agreement or purchases made under this ordinance shall be paid from the fund or funds to which are credited the grant funds accepted under this ordinance.

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

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

Ord. No. 1249-12.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$60,000, and any other funds that may become available during the grant term, from the Office of Criminal Justice Services, to conduct the Veterans Treatment Docket Program, for the purposes set forth in the grant; that the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the IntelliGrant Document Page for the grant.

Section 2. That the IntelliGrant Document Page for the grant, File No. 1249-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Director of Finance, on behalf of the Cleveland Municipal Court, shall have the authority to extend the term

of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to enter into one or more contracts with Stella Maris, Inc. to implement the program as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Finance, on behalf of the Cleveland Municipal Court, may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the cost of the agreement or purchases made under this ordinance shall be paid from the fund or funds to which are credited the grant funds accepted under this ordinance.

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

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

Ord. No. 1250-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Bureau of Justice Assistance for the Adult Drug Court Expansion Grant; and authorizing the Director to enter into one or more agreements with South Euclid Municipal Court, Recovery Resources, Inc, and Case Western Reserve University to implement the grant.

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$1,205,000, and any other funds that become available during the grant term, from the Bureau of Justice Assistance, to conduct the Adult Drug Court Expansion Grant, for the purposes in the application; that the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1250-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$15,555 from funds appropriated in 2013, 2014, and

2015 for this purpose, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Director of Finance, on behalf of the Cleveland Municipal Court, shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more agreements with South Euclid Municipal Court, Recovery Resources, Inc. and Case Western Reserve University to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Finance, on behalf of the Cleveland Municipal Court, may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the cost of the agreement or purchases made under this ordinance shall be paid from the fund or funds to which are credited the grant funds accepted under this ordinance.

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

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

Ord. No. 1251-12.

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

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. NF 2010-19 with the United States of America, acting through the General Services Administration, on behalf of the Transportation Security Administration to increase the leased premises and to make other modifications to the lease.

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

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

Section 1. That the Director of Port Control is authorized to enter into an amendment to Contract No. NF 2010-19 with the United States of America, acting through the General Services Administration, on behalf of the Transportation Security Administration, to increase the leased premises to include, approximately, an additional 1,657 square feet to the original Lease Agreement. Approximately 1,058 square feet will be used for additional office and storage space located on Concourse B at the current rental rate of \$98.63 per square foot which is determined to be fair market value. Approximately 599 square feet will be used for additional

office and storage space located on the north side of the Ticket Level at rental rate of \$166.10 per square foot which is determined to be fair market value. The rental rates will be adjusted annually based on the formula outlined in the Airlines Master Lease and Agreement.

All other terms and conditions contained in Contract No. NF 2010-19 shall remain the same.

Section 2. That the amendment to Contract No. NF 2010-19 shall be effective October 1, 2012 and shall be prepared by the Director of Law.

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

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

Ord. No. 1252-12.

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

An emergency ordinance to amend the title and Sections 2 and 8 of Ordinance No. 1608-11, passed March 19, 2012, relating to the cooperative agreement with the Cleveland-Cuyahoga Port Authority regarding the use of proceeds generated from parking activities and to transfer the balance to the City, to establish a Downtown Lakefront Management special revenue fund, and authorizing contracts to operate, maintain, and manage The Downtown Lakefront.

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

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

Section 1. That the title and Sections 2 and 8 of Ordinance No. 1608-11, passed March 19, 2012, are amended to read as follows:

An Emergency Ordinance terminating the Cooperative Agreement between the City of Cleveland and the Cleveland-Cuyahoga Port Authority regarding the use of the proceeds generated from parking activities and to transfer the balance of funds held by the Cleveland-Cuyahoga Port Authority to the City; to establish a Downtown Lakefront Management special revenue fund; authorizing contracts to operate, maintain and manage The Downtown Lakefront **for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority;** and authorizing the Director of Port Control to apply for and accept gifts and grants from public and private entities, including the gift of equipment or the gift of the loan of equipment, in connection with the operation, maintenance, and management of The Downtown Lakefront.

Section 2. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into one or more revenue generating agreements including but not limited to vendor agreements, license agreements, concession agreements, parking agreements, marina and other maritime

recreational activities agreements or other similar agreements with various entities, on the basis of competitive proposals, for activities at the Downtown Lakefront, **for a period of one year, with three one-year options to renew,** using rates established by the Board of Control. **The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.** The selection of the concessionaires and contractors under this section shall be made by the Board of Control, on the nomination of the Director of Port Control.

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

Section 2. That the existing title and Sections 2 and 8 of Ordinance no. 1608-11, passed March 19, 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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 1253-12.

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

An emergency ordinance to amend the title and Sections 2 and 3 of Ordinance No. 1607-11, passed March 26, 2012, relating to the authorizing the Mayor and the Directors of Public Works and Port Control to enter into a Third Amendment and Restatement to Common Area Maintenance Agreement No. 48828 for the development, use, maintenance and operation of the common area of the North Coast Harbor.

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

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

Section 1. That the title and Sections 2 and 3 of Ordinance No. 1607-11, passed March 26, 2012, are amended to read as follows:

An Emergency Ordinance authorizing the Mayor and Directors of Public Works and Port Control to enter into a Third Amendment and Restatement to Common Area Maintenance Agreement No. 48828 with the Cleveland-Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc., the Great Lakes Museum of Science, Environment and Technology, and the Cleveland Browns Stadium Company LLC ("Stakeholders"), to replace the Cleveland-Cuyahoga County Port Authority as manager, to employ consultants, expend funds, and purchase insurance for the Common Area as required, **for a period of one year with three one-year options to renew, the second of which requires additional legislative authority;** to establish a CAM special revenue fund; and authorizing contracts to operate, maintain and manage the Common Areas.

Section 2. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants, vendors, insurance brokers, or other professionals or one or more firms of consultants, vendors, insurance brokers, or other professionals necessary for a period of one year, **with three one-year options to renew,** to supplement the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the CAM Agreement, including but not limited to, insurance brokerage, insurance companies, special event managers, security, marina managers, and property maintenance and managers. **The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.** The selection of the consultants or firms for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

Section 3. That the Director of Port Control is authorized to enter into standard purchase contracts and requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, **a period of one year, with three one-year options to renew,** for the purchase or rental of necessary items of materials, equip-

ment, supplies, or services needed to maintain the Common Areas during the term of the agreement, or the necessary items of materials, equipment, supplies, or services needed in connection with the performance of the various consulting contracts authorized in this ordinance, and labor and materials needed to install and maintain any or all of the above-mentioned necessary items, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. **The first of the one-year options to renew may be exercised by the Director of Port**

Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 2. That the existing title and Sections 2 and 3 of Ordinance No.

1607-11, passed March 26, 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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 1254-12.

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

An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. CT 7011 PI 2010-15 with Envirocom for improvements to City Hall security, for the Department of Capital Projects.

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

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

Section 1. That the Director of Capital Projects is authorized to make the following alterations and modifications in Contract No. CT 7011 PI 2010-15 with Envirocom for improvements to City Hall security, for the Department of Capital Projects:

Subsidiary Additions

Description

Amount

These costs are associated with a change in the scope of work to meet the revised requirements of Homeland Security to more adequately address shortfalls in the physical security of Cleveland City Hall. Work shall include revisions to both the basement Willard Garage entrance and the Rotunda entrance to the building. Work also will include the installation of a new ground fault detection system tied into the existing transformers serving the building. Two remote locations will be furnished to detect potential future electrical problems with the existing wiring in City Hall. The City has requested that all electrical work be accomplished on Sundays, requiring premium pay. Public Safety has asked for an additional training date for the x-ray scanning equipment installed at City Hall. An additional load test will be required on the generator due to the amount of time the unit has sat idle. The balance of the monies will be used for any future additional unforeseen circumstances.

\$40,000

Original Contract Amount	\$ 2,112,500.00
Subsidiary Additions	+ 40,000.00
	<hr/>
TOTAL REVISED CONTRACT AMOUNT	\$ 2,152,500.00

which alteration has been recommended in writing by the Director of Capital Projects, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Capital Projects and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$40,000.00 to be paid from Fund Nos. 20 SF 381, 20 SF 391, 20 SF 503, 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 533, 20 SF 539, and 20 SF 545, RQS 7003, RL 2012-139.

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 Capital Projects, Finance, Law; Committees on Public Parks, Properties and Recreation, Finance.

Ord. No. 1255-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of firefighting protective gear, for the Division of Fire, Department of Public Safety.

Whereas, this ordinance constitutes an emergency measure providing for

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period of the necessary

items of various types of firefighting protective gear, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Fire, 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 2. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 391 and 20 SF 503 and 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 by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 6001, RL 2012-51)

Section 3. That under Section 108 (b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public 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 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 1257-12.
By Council Members Miller and Sweeney (by departmental request).

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance

shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7016, RL 2012-49)

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

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

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

Ord. No. 1258-12.
By Council Members Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the State of Ohio, Department of Transportation to maintain, repair, and plow the Jennings Freeway in exchange for road salt, for a period of two years, with two options to renew for two consecutive years, exercisable by the Director of Public Works.

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

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

Section 1. That the Director of Public Works is authorized to enter into an agreement with the State of Ohio, Department of Transportation, for the State to maintain, repair, and plow the Jennings Freeway in exchange for road salt, for a period of two years, with two option to renew for additional two-year consecutive terms, exercisable by the Director of Public Works.

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 Works, Finance, Law; Committees on Public Service, Finance.

Ord. No. 1259-12.
By Council Members Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use known as Permanent Parcel Nos. 142-23-005 and 142-23-006 to Waterford One, LLC, holding company for the Gebauer Company, or its designee, for purposes of constructing a new access driveway and to install fencing for Gebauer Company.

Whereas, the Director of Community Development has requested the sale of the City-owned property to Waterford One, LLC, holding company for Gebauer Company, or its designee (the "Redeveloper") no longer needed for public use and known as Permanent Parcel Nos. 142-23-005 and 142-23-006 for purposes of constructing a new access driveway and to install fencing for the Gebauer Company; and

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

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

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

Parcel A

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Block "A" of the Lee-Seville/Cleveland Outerbelt Industrial Park as recorded in Plat Book 231, Page 42 of the Cuyahoga County records and more fully described as follows:

Beginning at a point, being the southeasterly corner of Sublot 1 in said Lee-Seville/Cleveland Outerbelt Industrial Park;

Thence N 00° 27' 00" W, along the easterly line of said Sublot 1, a distance of 35.00 feet to a capped rebar (GBC Design, Inc.) to be set, which is the True Place of Beginning for the parcel of land herein described;

Thence continuing N 00° 27' 00" W, along the easterly line of Sublot 1, a distance of 364.99 feet to a capped rebar (GBC Design, Inc.) to be set;

Thence N 89° 34' 05" E, along the northerly line of said Block "A", a distance of 346.19 feet to a capped rebar (GBC Design, Inc.) to be set;

Thence S 00° 09' 18" E a distance of 365.00 feet to a capped rebar (GBC Design, Inc.) to be set;

Thence S 89° 34' 05" W a distance of 344.30 feet to a point, which is the True Place of Beginning and containing 2.8929 Acres of land, more or less, as surveyed in August, 2000 by Louis J. Giffels, Registered Surveyor No. 7790, which GBC Design, Inc., but subject to all legal highways and any restrictions, reservations or easements of record.

Lot Split - 2.8928 Acres - 0.1290 Acre Exception = 2.7638 Acres

Parcel B

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of block "A" of the Lee-Seville/Cleveland Outerbelt Industrial Park as recorded in Plat Book 231, Page 42 of the Cuyahoga County records and more fully described as follows:

Beginning at a point, being the southeast corner of Sublot 1 in said Lee-Seville/Cleveland Outerbelt Industrial Park, which is the True Place of Beginning for the parcel of land herein described;

Thence N 00° 27' 00" W, along the easterly line of said Sublot 1, a distance of 35.00 feet to capped rebar (GBC Design, Inc.) to be set;

Thence N 89° 34' 05" E a distance of 344.30 feet to a capped rebar (GBC Design, Inc.) to be set;

Thence N 00° 09' 18" W a distance of 365.00 feet to a capped rebar (GBC Design, Inc.) to be set

Thence N 89° 34' 05" E, along the northerly line of said Block "A", a distance of 284.91 feet to a capped rebar (GBC Design, Inc.) to be set;

Thence N 00° 09' 18" E, along the westerly line extended and the westerly line of East 153rd Street (50 feet wide) as recorded in Plat Book 231, Page 42 of the Cuyahoga County records, also being the easterly line extended and the easterly line of said Block "A", a distance of 400.00 feet to a capped rebar (GBC Design, Inc.) to be set;

Thence S 89° 34' 05", passing over a capped rebar (GBC Design, Inc.) found at 307.33 feet, a distance of 629.04 feet to a point, which is the True Place of Beginning and containing 2.8928 Acres of land, more or less, as surveyed in August, 2000 by Louis J. Giffels, Registered Surveyor No. 7790, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations or easements of record.

EXCEPTING

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being part of Parcel "B" in a Lot Split Plat for the City of Cleveland and recorded in Volume 327 of Maps, page 43 of part of Original Warrensville Township Lot No. 81, and being more fully bounded and described as follows:

Beginning at the Northeastly corner of said Parcel "B" and the Principal Place of Beginning of the parcel herein to be described;

Course No. 1: thence South 00° 26' 41" West along the Easterly line of said Parcel "B" and the Westerly line of East 153rd Street, 50 feet wide, a distance of 135.94 feet to a 1/2" iron pin set (R.L.S. No. 7104);

Course No. 2: thence North 41° 51' 53" West, a distance of 68.34 feet to a 1/2" iron pin set (R.L.S. No. 7104);

Course No. 3: thence North 00° 26' 41" East, a distance of 50.83 feet to a 1/2" iron pin set (R.L.S. No. 7104);

Course No. 4: thence North 41° 51' 53" West, a distance of 46.18 feet to a 1/2" iron pin set (R.L.S. No. 7104) in the Northerly of said Parcel "B";

Course No. 5: thence South 89° 52' 08" East along the Northerly line of said Parcel "B", a distance of 77.09 feet to the place of beginning and containing 0.1290 acres of land, more or less according to a Lot Split and Consolidation Plat prepared for Avenir Properties, LLC as recorded in Volume 343, of Maps, Page 23 of Cuyahoga County Records, as surveyed in October of 2004 by Timothy J. Feller, Registered Professional Land Surveyor No. 7104 for and on behalf of McSteen & Associates, under Project Number 04-343, and is subject to all legal highways and easements of record.

The basis of bearings for this description is North 00° 38' 50" East, as the centerline of East 146th Street as evidenced by monuments found, and is the same bearing as shown in the deed recorded in AFN 200308291774 of Cuyahoga County Deed Records.
PPN: 142-23-005

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies

is authorized to sell the above-described property to the Redeveloper at a price not less than the appraised value of \$140,000, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the purchase payment will be deposited into Fund No. 14.

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

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

Ord. No. 1260-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 47325 with Crittenden Court Apartment Associates Limited Partnership, to accept a discount prepayment of the SBRL loan regarding the construction of the Crittenden Court Apartments; and authorizing the Director of Economic Development to enter into a subordination agreement concerning the UDAG loan for the project.

Whereas, the current owners of the Crittenden Court Apartments, the Crittenden Court Apartment Associates Limited Partnership ("CCAA") are seeking to refinance their FHA-insured 223(a)(7) loan at a lower interest rate in order to improve cash flow and to offset the increased operating expenses created by the expiration of a fifteen-year property tax abatement which ended in 2011; and

Whereas, CCAA has stated that the refinancing will result in additional loan proceeds which will pay for eligible costs beyond repayment of the current first mortgage and related financing costs; and

Whereas, in addition to the FHA-insured loan, CCAA also has a Urban Development Action Grant ("UDAG") loan in the amount of \$3,017,951 due September 2036 and a Small Business Revolving Loan ("SBRL") in the amount of \$400,000 due July 1, 2036 on the project; and

Whereas, CCAA's successful refinancing of the first mortgage at a lower rate and the prepayment of the SBRL loan will increase the likelihood for the project to generate surplus cash sufficient to make pay-

ments on the UDAG loan prior to its September 2036 due date; and

Whereas, the SBRL loan, with a current principal balance of \$400,000, plus accrued interest of \$180,000 as of September 2012, equals a total balance of \$580,000 which is not due until July 1, 2036, unless surplus cash is sufficient to make the payment; and

Whereas, CCAA has requested that the City accept a discounted prepayment to pay off its \$400,000 SBRL and accrued interest, at its net present value of \$330,454, which is determined by discounting by a rate of two and four tenths percent (2.4%) annually the principal payment due July 1, 2036; and

Whereas, CCAA also requests subordination of its UDAG Loan with the City to the new HUD-insured first mortgage; and

Whereas, this ordinance allows the Department of Economic Development to use the lump sum repayment for other City programs or 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. 47325 with CCAA, to accept a discounted prepayment of the SBRL.

Section 2. That the Director of Economic Development is authorized to accept on behalf of the City, a discounted prepayment from CCAA to be paid to the City, in an amount equal to the net present value of the loan using a discount rate equal to two and four tenths percent (2.4%) in full satisfaction of its loan of \$400,000 due July 1, 2036, which loan originally was made to partially finance the construction of the Crittenden Court Apartments. 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 amendment 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 repayment of the SBRL and to execute all documents necessary to release the collateral. 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 enter into a subordination agreement with CCAA for the subordination of the UDAG loan with the City to the new FHA insured first mortgage.

Section 6. That the Director of Economic Development is authorized to enter into any other agreements and obtain additional collateral as deemed necessary to complete the subordination of the UDAG loan.

Section 7. That the subordination agreement of the UDAG loan and any additional collateral documents shall be approved by the Director of Law.

Section 8. That the Director of Community Development is authorized to accept a loan processing fee of \$4,000.00 to be charged to CCAA and paid at closing. The loan processing fee shall be deposited into Fund No. 14.

Section 9. That the Director of Economic Development is authorized to deposit the prepayment of the SBRL into Fund No. 17 SF 006.

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

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

Ord. No. 1261-12.

By Council Member J. Johnson.

An emergency ordinance designating the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on June 28, 2012 to discuss the proposed designation of the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building) as a landmark; and

Whereas, the Commission has recommended designation of the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Agora (also known as the Metropolitan Theatre, the Koblitz Building, and the WHK Building), whose street addresses in the City of Cleveland are 4812-5024 Euclid Avenue, S. E., Cuyahoga County Auditor's Permanent Parcel Numbers are 103-10-017, 103-10-018, 103-10-019, 103-10-020, 103-10-021, 103-10-022, 103-10-023, 103-10-024, and part of 103-10-025 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublot Number 1 in the M. Schiely's Subdivision as shown by the plat recorded in Volume 3, Page 19 of

Cuyahoga County Map Records and part of Parcel "A" in the Plat of Consolidation and Lot Split as shown by the plat recorded in Volume 285, Page 92 of Cuyahoga County Map Records and being part of the Original Ten Acres Lot Number 72 and 73, and bounded and described as follows:

Beginning at the intersection of the southerly line of Euclid Avenue (99 feet wide) and the westerly line of East 55th Street (formerly Willson Avenue) (100 feet wide); thence South 80° 59' 40" West along the southerly line of Euclid Avenue, 360.15 feet to a 5/8" X 30" iron pin set at the principal place of beginning of the premises described herein; thence South 09° 11' 38" East, 399.06 feet to 5/8" X 30" iron pin set on the northerly line of Prospect Avenue (formerly Prospect Street) (82.5 feet wide); thence South 80° 58' 57" West along the northerly line of Prospect Avenue, 290.00 feet to a 5/8" X 30" iron pin set at the southeasterly corner of land conveyed to Prospect Park LLC (P. P. N. 103-09-021) by deed dated August 8, 2000 and recorded in Auditor's File Number 200008080876 of Cuyahoga County Deed Records; thence North 09° 11' 38" West along the easterly line of land so conveyed and the easterly line of land conveyed to the Esmond Group, Inc. (P. P. N. 103-09-019) by deed dated June 6, 1987 and recorded in Volume 87-04322, Page 35 of Cuyahoga County Deed Records, 391.12 feet to a 5/8" iron pin set on the southerly line of said Euclid Avenue; thence North 80° 59' 40" East along the southerly line of Euclid Avenue, 290.00 feet to the principal place of beginning and containing 2.6569 acres of land as surveyed and described by Edward B. Dudley, P. S. Number 6747 of the Riverstone Company in November of 2010, subject to all legal highways, restrictions, reservations, and easements of record;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 1262-12.

By Council Member J. Johnson.

An emergency ordinance designating Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a landmark; and

Whereas, the owner of Cory United Methodist Church (formerly Anshe Emeth Synagogue) has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Cory United Methodist Church (formerly Anshe Emeth Synagogue), whose street address in the City of Cleveland is 1105-17 East 105th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 109-16-001, 109-16-002, 109-16-003, 109-16-035, and 109-16-036, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot Numbers 82, 83, and 88 in the Deming Realty Company's Allotment of part of Original One Hundred Acre Lot Number 378, as shown by the recorded plat in Volume 35 of Maps, Page 24 of Cuyahoga County Records, and all of Sublot Numbers 87, 153, and 154, and a part of a private alley, 15 feet wide, now vacated, in the Deming Realty Company's Grantwood Allotment of part of Original One Hundred Acre Lot Number 378, as shown by the recorded plat in Volume 37 of Maps, Page 12 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Grantwood Avenue, N. E., at the Southeasterly corner of Sublot Number 88 in the Deming Realty Company's Allotment, as recorded in Volume 35 of Maps, Page 24 of Cuyahoga County Records; thence Westerly along the Northerly line of said Grantwood Avenue, N. E., 140.08 feet to the Easterly end of the curved turnout between the Northerly line of said Grantwood Avenue, N. E., and the Easterly line of East 105th Street; thence Northwesterly along said curved turnout, 47.04 feet; thence Northerly along the Easterly line of said East 105th Street, 230.15 feet to the Southerly end of the curved turnout between the Easterly line of said East 105th Street and the Southerly line of Drexel Avenue, N. E.; thence Northeasterly along said curved turnout, 47.20 feet; thence Easterly along the Southerly line of said Drexel Avenue, N. E., 179.92 feet to the Northwesterly corner of Sublot Number 152 in the Grantwood Allotment; thence Southerly along the Westerly line of said Sublot Number 152 and the Southerly extension thereof, 168.55 feet to the centerline of said vacated private alley; thence Westerly along said centerline of said vacated private alley 40 feet to its point of intersection with the Northerly extension of the Easterly line of Sublot

Number 88 in the Deming Realty Company's Allotment, as recorded in Volume 35 of Maps, Page 24 of Cuyahoga County Records; thence Southerly along said Northerly extension and along the Easterly line of said Sublot Number 88, 121.60 feet to the place of beginning, as appears by said plats, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 1263-12.

By Council Member J. Johnson.

An emergency ordinance designating the Switzer Apartment Building as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Switzer Apartment Building as a landmark; and

Whereas, the owner of the Switzer Apartment Building has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Switzer Apartment Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Switzer Apartment Building, whose street address in the City of Cleveland is 1285-89 East 101st Street, Cuyahoga County Auditor's Permanent Parcel Number is 109-10-126, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being Sublot Numbers 24 and 25 in C. C. Baldwin's Allotment of part of original One Hundred Acre Lots Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and together forming a parcel of land having a frontage of 80 feet on the Westerly side of East 101st Street (formerly Eaton Street) and

extending back of equal width 112 feet along the Northerly line of land conveyed to the City of Cleveland by deed dated April 5, 1897 and recorded in Volume 660, Page 288 of Cuyahoga County Records, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 1264-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from Cuyahoga County for the Juvenile Court's Community Diversion Program - Ancillary Fund Grant; and authorizing the Director to enter into one or more agreements with Guidestone and the City of East Cleveland to implement the grant.

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

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

Section 1. That the Director of Community Relations is authorized to apply for and accept a grant in the approximate amount of \$33,633.75, and any other funds that become available during the grant term, from Cuyahoga County, to conduct the Juvenile Court's Community Diversion Program - Ancillary Fund Grant, for the purposes in the application; that the Director of Community Relations is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1264-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Community Relations is authorized to enter into one or more agreements with Guidestone and the City of East

Cleveland to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Community Relations may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the cost of the agreement or purchases made under this ordinance shall be paid from the fund or funds to which are credited the grant funds accepted under this ordinance.

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

Referred to Directors of Community Relations Board, Finance, Law; Committee on Finance.

Ord. No. 1265-12.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more professional services contracts, purchase contracts and requirement contracts to obtain marketing, promotional, public relations, advertising, and creative services, including materials, equipment, and supplies necessary to promote Cleveland Hopkins International Airport and Burke Lakefront Airport; authorizing the purchase or lease of television and radio advertising time and other media, each for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide marketing, promotional, public relations, advertising, and creative services necessary to promote Cleveland Hopkins International Airport and Burke Lakefront Airport, for a period of one year, with three one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the

Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the Director of Port Control is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period of one year, with three one-year options to renew, of the necessary items of marketing, promotions, public relations, advertising, and creative services which are not included in Section 1 of this ordinance, and for materials, equipment, and supplies necessary to promote and advertise Cleveland Hopkins International Airport and Burke Lakefront Airport, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 3. That the Director of Port Control 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 of television and radio advertising time and other media, for the Department of Port Control, for a period of one year, with three one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the

vendors selected through that cooperative process.

Section 5. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 114, 60 SF 126, 60 SF 128, 60 SF 141, 60 SF 160, and shall also 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 by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQS 3001, RL 2012-22)

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 1266-12.

By Council Member Polensek.

An emergency ordinance designating Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a landmark; and

Whereas, the owner of Freedom Christian Assembly Church, also known as Collinwood Christian Church, has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Freedom Christian Assembly Church, also known as Collinwood Christian Church, whose street address in the City of Cleveland is 765 East 154th Street, Cuyahoga County Auditor's Permanent Parcel Number is 115-21-066, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublots Numbers 58, 59, and 60 in W. F. Walworth's Subdivision of part of Original Euclid Township Lot Number 42 recorded in Volume 8, Page 7 of Cuyahoga County Map Records, said

sublots having a total frontage of 150 feet on the easterly side of East 154th Street and being 160 feet deep according to said plat, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 1232-12.

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

An emergency resolution declaring the intent to vacate a portion of West 51st Place.

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 51st Place, as described; and

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

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

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

West 51st Place

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of West 51st Place (14 feet wide) extending northerly from the northerly right of way of Carlos Avenue S.W. (40 feet wide) to terminus with that portion of West 51st Place, vacated by City Council, ordinance number 2675-89, passed December 11, 1989 as shown in the City of Cleveland, City Record, December 20, 1989, page 66.

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

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

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

**Res. No. 1256-12.
By Council Members Reed, Miller,
Cleveland and Sweeney (by depart-
mental request).**

**An emergency resolution declaring
the necessity and intention to appro-
priate up to six easements for public
use in connection with the Harvard
Avenue Bridge project.**

Whereas, this resolution consti-
tutes an emergency measure provid-
ing for the usual daily operation of
a municipal department; now, there-
fore,

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

Section 1. That for the public pur-
pose of acquiring up to six ease-
ments to be used in connection with
the Harvard Avenue Bridge project,
it is necessary to appropriate, and
this Council declares its intent to
appropriate, the easements in and at
the following locations:

PARCEL 29-U
CUY-HARVARD AVENUE
PERPETUAL EASEMENT FOR
UTILITY PURPOSES IN THE NAME
AND FOR THE USE OF
CLEVELAND PUBLIC POWER
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Utility purpose of performing the
work necessary to build, operate and
maintain overhead electricity, com-
munications and street lighting sys-
tem. Said easement to include the
right of ingress and egress for access
to facilities. Grantee shall notify
grantor before entry upon grantor's
property.

Being a parcel of land lying on the
right side of the centerline of right of
way of Harvard Avenue and being
located within the following
described boundary:

Being a part of original Newburgh
Township Lot 465, the City of Cleve-
land, Cuyahoga County, State of Ohio
and more particularly bounded and
described as follows:

Beginning at a drill hole in monu-
ment box found at the northeast cor-
ner of Lot 465 and the centerline of
right of way of Harvard Avenue at
Station 101+15.36; thence, following
the centerline of right of way of Har-
vard Avenue, South 89 degrees 42 min-
utes 26 seconds West a distance of
157.59 feet to a point on the centerline
of right of way of Harvard Avenue
Station 99+57.77; thence, South 00
degrees 17 minutes 34 seconds East a
distance of 20.00 feet to a point on the
southerly right of way line of Har-
vard Avenue Station 99+57.77, 20.00
feet right at grantor's northeasterly
property corner and the TRUE
PLACE OF BEGINNING of the parcel
herein described;

1. thence, following grantor's east-
erly property line South 00 degrees 17
minutes 34 seconds East a distance of
12.00 feet to a point at Station
99+57.77, 32.00 feet right of the Har-
vard Avenue centerline of right of
way;

2. thence, South 89 degrees 42 min-
utes 26 seconds West a distance of
40.00 feet to a point at Station
99+17.77, 32.00 feet right of the Har-
vard Avenue centerline of right of
way;

3. thence, North 00 degrees 17 min-
utes 34 seconds West a distance of
12.00 feet to a point at Station
99+17.77, 20.00 feet right of the Har-
vard Avenue centerline of right of
way;

4. thence, North 89 degrees 42 min-
utes 26 seconds East a distance of

40.00 feet to the TRUE PLACE OF
BEGINNING and containing 480.00
square feet of land, more or less.

The above described area is con-
tained within the Cuyahoga County
Auditor's permanent parcel number
136-15-001.

This description was prepared and
reviewed on March 2, 2012, by Kiran
C. Patel, Registered Surveyor No.
7554.

This description is based on a sur-
vey made under the direction and
supervision of Kiran C. Patel, Regis-
tered Surveyor No. 7554 on January 27,
2011.

Grantor claims title by instrument
of record in Vol. 94-05957 pg. 9, Vol.
14255 pg. 79 Cuyahoga County
Recorder's Office.

The basis of bearings is the center-
line of Harvard Avenue (North
89°41'41" East) per Cleveland
Regional Geodetic Survey and all
other bearings are relative thereto for
the purpose of indicating angular
measurement.

PARCEL 9-T
CUY-HARVARD AVENUE
TEMPORARY EASEMENT FOR
THE PURPOSE OF
PERFORMING THE WORK
NECESSARY TO
REMOVE AND REPLACE BRIDGE
FOR 12 MONTHS FROM DATE OF
ENTRY BY THE
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Being a parcel of land lying on the
right side of the centerline of right of
way of Harvard Avenue and being
located within the following
described boundary:

Being a part of original Newburgh
Township Lot 466, the City of Cleve-
land, Cuyahoga County, State of Ohio
and more particularly bounded and
described as follows:

Beginning at a drill hole in monu-
ment box found at the northwest cor-
ner of Lot 466 and the centerline of
right of way of Harvard Avenue at
Station 101+15.36; thence, following
the centerline of right of way of Har-
vard Avenue, North 89 degrees 41 min-
utes 41 seconds East a distance of
569.41 feet to a point on the centerline
of right of way of Harvard Avenue
Station 106+84.77; thence, South 00
degrees 18 minutes 19 seconds East a
distance of 20.00 feet to a point on the
southerly right of way line of Har-
vard Avenue Station 106+84.77, 20.00
feet right at grantor's northwesterly
property corner and the TRUE
PLACE OF BEGINNING of the parcel
herein described;

1. thence, following grantor's
northerly property line North 89
degrees 41 minutes 41 seconds East a
distance of 30.00 feet to a point at
Station 107+14.77, 20.00 feet right of
the Harvard Avenue centerline of right
of way;

2. thence, South 00 degrees 18 min-
utes 19 seconds East a distance of
11.30 feet to a point at Station
107+14.77, 31.30 feet right of the Har-
vard Avenue centerline of right of
way;

3. thence, South 89 degrees 41 min-
utes 41 seconds West a distance of
22.60 feet to a point at Station
106+92.17, 31.30 feet right of the Har-
vard Avenue centerline of right of
way;

4. thence, South 00 degrees 18 min-
utes 19 seconds East a distance of 8.50
feet to a point at Station 106+92.17,
39.80 feet right of the Harvard Avenue
centerline of right of way;

5. thence, South 89 degrees 41 min-
utes 41 seconds West a distance of
7.40 feet to a point at Station
106+84.77, 39.80 feet right of the Har-
vard Avenue centerline of right of
way;

6. thence, North 00 degrees 18 min-
utes 19 seconds West a distance of
19.80 feet to the TRUE PLACE OF
BEGINNING and containing 402.00
square feet of land, more or less.

The above described area is con-
tained within the Cuyahoga County
Auditor's permanent parcel number
136-16-004.

This description was prepared and
reviewed on February 17, 2012, by
Kiran C. Patel, Registered Surveyor
No. 7554.

This description is based on a sur-
vey made under the direction and
supervision of Kiran C. Patel, Regis-
tered Surveyor No. 7554 on January 27,
2011.

Grantor claims title by instrument
of record in Vol. 81-15485, Page 145,
Cuyahoga County Recorder's Office.

The basis of bearings is the center-
line of Harvard Avenue (North
89°41'41" East) per Cleveland
Regional Geodetic Survey and all
other bearings are relative thereto for
the purpose of indicating angular
measurement.

PARCEL 9-U
CUY-HARVARD AVENUE
PERPETUAL EASEMENT FOR
UTILITY PURPOSES IN THE NAME
AND FOR THE USE OF
CLEVELAND PUBLIC POWER
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Utility purpose of performing the
work necessary to build, operate and
maintain overhead electricity, com-
munications and street lighting sys-
tem. Said easement to include the
right of ingress and egress for access
to facilities. Grantee shall notify
grantor before entry upon grantor's
property.

Being a parcel of land lying on the
right side of the centerline of right of
way of Harvard Avenue and being
located within the following
described boundary:

Being a part of original Newburgh
Township Lot 466, the City of Cleve-
land, Cuyahoga County, State of Ohio
and more particularly bounded and
described as follows:

Beginning at a drill hole in monu-
ment box found at the northwest cor-
ner of Lot 466 and the centerline of
right of way of Harvard Avenue at
Station 101+15.36; thence, following
the centerline of right of way of Har-
vard Avenue, North 89 degrees 41 min-
utes 41 seconds East a distance of
569.41 feet to a point on the centerline
of right of way of Harvard Avenue
Station 106+84.77; thence, South 00
degrees 18 minutes 19 seconds East a
distance of 20.00 feet to a point on the
southerly right of way line of Har-
vard Avenue Station 106+84.77, 20.00
feet right at grantor's northwesterly
property corner and the TRUE
PLACE OF BEGINNING of the parcel
herein described;

1. thence, following grantor's
northerly property line North 89
degrees 41 minutes 41 seconds East a
distance of 30.00 feet to a point at
Station 107+14.77, 20.00 feet right of
the Harvard Avenue centerline of right
of way;

2. thence, South 00 degrees 18 min-
utes 19 seconds East a distance of
12.00 feet to a point at Station

107 + 14.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 17.38 feet to a point at Station 106 + 97.39, 32.00 feet right of the Harvard Avenue centerline of right of way;

4. thence, North 00 degrees 18 minutes 19 seconds West a distance of 0.60 feet to a point at Station 106 + 97.39, 31.40 feet right of the Harvard Avenue centerline of right of way;

5. thence, South 89 degrees 41 minutes 41 seconds West a distance of 5.00 feet to a point at Station 106 + 92.39, 31.40 feet right of the Harvard Avenue centerline of right of way;

6. thence, South 00 degrees 18 minutes 19 seconds East a distance of 0.60 feet to a point at Station 106 + 92.39, 32.00 feet right of the Harvard Avenue centerline of right of way;

7. thence, South 89 degrees 41 minutes 41 seconds West a distance of 7.62 feet to a point at Station 106 + 84.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

8. thence, North 00 degrees 18 minutes 19 seconds West a distance of 12.00 feet to the TRUE PLACE OF BEGINNING and containing 357.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-004.

This description was prepared and reviewed on March 2, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in Vol. 81-15485 pg. 145 Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

PARCEL 10-T
CUY-HARVARD AVENUE
TEMPORARY EASEMENT FOR
THE PURPOSE OF
PERFORMING THE WORK
NECESSARY TO
REMOVE AND REPLACE BRIDGE
FOR 12 MONTHS FROM DATE OF
ENTRY BY THE
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101 + 15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 629.41 feet to a point on the centerline

of right of way of Harvard Avenue Station 107 + 44.77; thence, South 00 degrees 18 minutes 19 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 107 + 44.77, 20.00 feet right at grantor's northwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's northerly property line North 89 degrees 41 minutes 41 seconds East a distance of 30.00 feet to a point at Station 107 + 74.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 00 degrees 18 minutes 19 seconds East a distance of 10.00 feet to a point at Station 107 + 74.77, 30.00 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 30.00 feet to a point at Station 107 + 44.77, 30.00 feet right of the Harvard Avenue centerline of right of way;

4. thence, North 00 degrees 18 minutes 19 seconds West a distance of 10.00 feet to the TRUE PLACE OF BEGINNING and containing 300.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-006.

This description was prepared and reviewed on February 17, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in 200812180670, Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

PARCEL 10-U
CUY-HARVARD AVENUE
PERPETUAL EASEMENT FOR
UTILITY PURPOSES IN THE NAME
AND FOR THE USE OF
CLEVELAND PUBLIC POWER
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Utility purpose of performing the work necessary to build, operate and maintain overhead electricity, communications and street lighting system. Said easement to include the right of ingress and egress for access to facilities. Grantee shall notify grantor before entry upon grantor's property.

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101 + 15.36; thence, following the centerline of right of way of Har-

vard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 629.41 feet to a point on the centerline of right of way of Harvard Avenue Station 107 + 44.77; thence, South 00 degrees 18 minutes 19 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 107 + 44.77, 20.00 feet right at grantor's northwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's northerly property line North 89 degrees 41 minutes 41 seconds East a distance of 30.00 feet to a point at Station 107 + 74.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 00 degrees 18 minutes 19 seconds East a distance of 12.00 feet to a point at Station 107 + 74.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 30.00 feet to a point at Station 107 + 44.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

4. thence, North 00 degrees 18 minutes 19 seconds West a distance of 12.00 feet to the TRUE PLACE OF BEGINNING and containing 360.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-006.

This description was prepared and reviewed on March 2, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in 200812180670 Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

PARCEL 15-T
CUY-HARVARD AVENUE
TEMPORARY EASEMENT FOR
THE PURPOSE OF
PERFORMING THE WORK
NECESSARY TO
REMOVE AND REPLACE BRIDGE
FOR 12 MONTHS FROM DATE OF
ENTRY BY THE
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101 + 15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 519.41 feet to a point on the centerline

of right of way of Harvard Avenue Station 106 + 34.77 also Station 302 + 57.00 of the centerline of right of way of East 103rd Street; thence following the centerline of right of way of East 103rd Street, South 00 degrees 18 minutes 19 seconds East a distance of 151.00 feet to a point on the centerline of right of way of East 103rd Street Station 301 + 06.00; thence North 89 degrees 41 minutes 41 seconds East a distance of 20.00 feet to a point on the easterly right of way line of East 103rd Street Station 301 + 06.00, 20.00 feet right at grantor's southwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's westerly property line North 00 degrees 18 minutes 19 seconds West a distance of 30.00 feet to a point at Station 301 + 36.00, 20.00 feet right of the East 103rd Street centerline of right of way;

2. thence, North 89 degrees 41 minutes 41 seconds East a distance of 18.00 feet to a point at Station 301 + 36.00, 38.00 feet right of the East 103rd Street centerline of right of way;

3. thence, South 00 degrees 18 minutes 19 seconds East a distance of 8.01 feet to a point at Station 301 + 27.99, 38.00 feet right of the East 103rd Street centerline of right of way;

4. thence, South 89 degrees 41 minutes 41 seconds West a distance of 6.38 feet to a point at Station 301 + 27.99, 31.62 feet right of the East 103rd Street centerline of right of way;

5. thence, South 00 degrees 18 minutes 19 seconds East a distance of 2.00 feet to a point at Station 301 + 25.99, 31.62 feet right of the East 103rd Street centerline of right of way;

6. thence, South 89 degrees 41 minutes 41 seconds West a distance of 2.00 feet to a point at Station 301 + 25.99, 29.62 feet right of the East 103rd Street centerline of right of way;

7. thence, South 00 degrees 18 minutes 19 seconds East a distance of 5.00 feet to a point at Station 301 + 20.99, 29.62 feet right of the East 103rd Street centerline of right of way;

8. thence, South 01 degrees 42 minutes 22 seconds East a distance of 14.99 feet to a point at Station 301 + 06.00, 30.00 feet right of the East 103rd Street centerline of right of way;

9. thence, South 89 degrees 41 minutes 41 seconds West a distance of 10.00 feet to the TRUE PLACE OF BEGINNING and containing 363.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-059.

This description was prepared and reviewed on May 2, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in Vol. 98-06849, Page 7, Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for

the purpose of indicating angular measurement.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notices shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1186-12.

By Council Member Cimperman.
An emergency ordinance consenting to the locations of operations of horse-drawn carriage business operator Cleveland Cycle Tours.

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. Pursuant to division (a) of section 447.06 of the Codified Ordinances of Cleveland Ohio, 1976, this Council approves the locations where carriage business operator Cleveland Cycle Tours will operate in the City of Cleveland, as set forth in the route maps attached as File No. 1186-12-A, which maps have been approved by the Commissioner of Traffic Engineering and the Police Traffic Commissioner.

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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1188-12.

By Council Member Sweeney.
An emergency ordinance to amend Section 135.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1716-11, passed March 26, 2012, relating to Maximum Age for Original Appointment to the Divisions of Police and Fire.

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 135.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1716-11, passed March 26, 2012, is hereby amended to read as follows:

Section 135.071 Maximum Age for Original Appointment to the Divisions of Police and Fire

(a) No person is eligible to receive an original appointment to the Division of Police as a Police Trainee on or after the person's fortieth birthday. (RC 124.41)

(b) No person is eligible to receive an original appointment to the academy for the Division of Fire on or after the person's fortieth birthday. (RC 124.42)

Section 2. That the effective date of amended Section 135.071 is September 28, 2012.

Section 3. That existing Section 135.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1716-11, passed March 26, 2012, is hereby repealed.

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

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

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

Ord. No. 1224-12.

By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to continue City Contract No. 60859 with Tyco Integrated Security, Inc. on a month-to-month basis for Cleveland City Council beginning July 1, 2012.

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

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

Section 1. That the Clerk of Council is authorized to continue City Contract No. 60859 with Tyco Integrated Security, Inc., to provide professional video and access equipment maintenance services for Cleveland City Council, on a month-to-month basis beginning July 1, 2012.

Section 2. That the cost of said contract authorized in Section 1 above shall be paid from Fund No. 01 SF 001.

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

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

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

Ord. No. 1225-12.
By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to enter into a Third Renewal of the agreement with Blue Technologies, Inc., City Contract No. 69604, to continue the professional services necessary to customize, implement and provide on-going maintenance for the integrated Legislative Management System, and to continue the web hosting services, software license, software maintenance and technical support for Cleveland City Council.

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

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

Section 1. That the Clerk of Council is authorized to enter into a Third Renewal of the Agreement with Blue Technologies, Inc. City Contract No. 69604 ("Agreement"), to continue the professional services necessary to customize, implement and provide on-going maintenance for the integrated Legislative Management System and to continue the web hosting services, software license, software maintenance and technical support for Cleveland City Council (Attachments "A" and "C" to the Agreement.)

The term of the Third Renewal shall begin on the 21st day of September, 2012 and shall be for one year with two one-year options to renew, exercisable by the Clerk.

The cost of the services provided by the Third Renewal, and any renewal terms, if exercised, shall not exceed \$62,000 per term. Payment shall be made from fund numbers 632000-01-010100 and fund no 11 sub fund 006.

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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1235-12.
By Council Member Mitchell.
An emergency ordinance authorizing the Clerk of Council to dispense beer and wine at the Federation of India Community Association's "Festival of Lights" event in Cleveland City Hall rotunda on November 16, 2012 from 6:00 to 9:00 p.m.

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the Clerk of Council is hereby authorized to dispense beer and wine at the Federation of India Community Association's "Festival of Lights" event in Cleveland City Hall rotunda on November 16, 2012 from 6:00 to 9:00 p.m.

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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1238-12.
By Council Member Sweeney (by departmental request).
An emergency ordinance to make additional appropriations of Two Hundred Thousand (\$200,000) of Enterprise Funds.

Whereas, there remains an unappropriated balance in the various funds, the sum of Two Hundred Thousand Dollars (\$200,000) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

ENTERPRISE FUND		\$200,000
TOTAL ALL FUNDS		\$200,000
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC WORKS		
Division of Convention Center		
I Personnel and Related Expenses	\$200,000	\$200,000
TOTAL DEPARTMENT OF PUBLIC WORKS		\$200,000
TOTAL ENTERPRISE FUND		\$200,000
TOTAL ALL FUNDS		\$200,000

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

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

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

Ord. No. 1239-12.
By Council Member Sweeney (by departmental request).
An emergency ordinance to provide for the transfer and amendment to the General Fund appropriations in the amount of Fifty Five Thousand (\$55,000).

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 amendment to the General Fund appropriations in the amount of Fifty Five Thousand (\$55,000), be transferred as follows:

	Transfer To	Transfer From
GENERAL FUND		
DEPARTMENT OF PUBLIC WORKS		
Division of Public Works Administration		
I Personnel and Related Expenses	\$ -	\$55,000
II Other Expenses	55,000	-
TOTAL DEPARTMENT OF PUBLIC WORKS	55,000	55,000
TOTAL GENERAL FUND	55,000	55,000

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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1240-12.
Council Members Kelley, Mitchell
and Sweeney (by departmental
request).**

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 535.051 relating to residential testing and monitoring programs and water bill credits.

Whereas, the Department of Public Utilities periodically conducts programs for testing and monitoring of residential and distribution water quality, distribution operations, and other testing and monitoring services determined to be necessary by the Director of Public Utilities; and

Whereas, in order to conduct these residential testing and monitoring programs, the Department of Public Utilities needs assistance from residential customers; and

Whereas, those customers who wish to participate and are accepted into these programs by the Director of Public Utilities will perform tasks such as collecting water samples delivered to their homes and performing other related tasks which are out of the ordinary for a consumer, for the benefit of the Department of Public Utilities; and

Whereas, in order to encourage participation in these programs, the Department of Public Utilities is offering incentives in the form of water bill credits to eligible participants who complete the services under the programs; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 535.051 to read as follows:

Section 535.051 Residential Testing and Monitoring Programs; Water Bill Credits

(a) The Director of Public Utilities may conduct programs for testing and monitoring of water distributed

in residential homes to be performed by residential customers. These programs shall relate to various aspects of the Division of Water and may include distribution operations, water quality, and other testing and monitoring determined to be necessary by the Director of Public Utilities.

(b) The Director of Public Utilities is authorized to provide water bill credits, to be established by the Board of Control, to eligible residential water customers after successfully completing monitoring and testing performed under a program offered under division (a) of this section.

(c) The Director of Public Utilities shall establish guidelines for program eligibility and for administering the programs under this section. The Director shall have the final approval of all applications.

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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1241-12.
By Council Members J. Johnson, K.
Johnson, Cleveland and Sweeney (by
departmental request).**

An emergency ordinance determining the method of making the public improvement of constructing the new Third District Police Station and related site work; and authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director of Capital Projects to enter into agreement with Richard L. Bowen & Associates, Inc.; authorizing the Director of Community Development

to transfer property described as 4501-4501 Chester Avenue to the control, possession, and use of the Department of Public Safety, for the new Third District Police Station; authorizing the Commissioner of Purchases and Supplies to acquire various rights and interests in real property needed to implement the improvement; authorizing the Director of Capital Projects to enter into one or more contracts for professional services necessary to perform various environmental remediation activities and other services necessary for the improvement; and authorizing the Director of Capital Projects to apply for and accept gifts or grants from any public or private entity for this purpose.

Whereas, under Ordinance No. 912-12, passed July 11, 2012, the City entered into an agreement with Midtown Cleveland, Inc. ("Midtown") to redevelop the former Ward Bakery site ("the Property"); and

Whereas, after a competitive proposal process, Midtown selected and entered into a contract with Richard L. Bowen & Associates, Inc. to provide the architectural and engineering design services necessary to redevelop the Property; and

Whereas, the City has now determined to take over the redevelopment of the property, and Midtown has offered, and the City desires to accept an assignment from Midtown Cleveland, Inc. of the contract with Richard L. Bowen & Associates, Inc. for the professional architectural and engineering design services necessary for the redevelopment project; and

Whereas, the Department of Community Development desires to transfer certain property under its control to the Department of Public Safety; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the property to be transferred is a component of the City of Cleveland's land reutilization program and, as such, can be retained by

the City for devotion to public use under Section 5722.07 of the Revised Code upon the approval of the legislative authorities of those taxing districts entitled to share in the proceeds from the sale thereof; and

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the new Third District Police Station, and grading and paving, constructing sidewalks, driveway aprons, curbing, curb ramps, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with constructing the new Third District Police Station (the "Improvement"), for the Division of Police, Department of Public Safety, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That, provided that this Council authorizes and the City sells future subordinated lien income tax bonds that include the Improvement authorized in this ordinance, the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

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

Section 4. That, provided that this Council authorizes and the City sells future subordinated lien income tax bonds that include the improvement authorized in this ordinance, the Director of Capital Projects is authorized to accept an assignment from Midtown Cleveland, Inc. of its contract with Richard L. Bowen & Associates, Inc. to provide the professional architectural and engineering design services necessary for the Improvement in the approximate amount of \$1,063,797.

Section 5. That the Director of Capital Projects is authorized to execute all documents and do all things necessary and appropriate to effect the acceptance of the assignment.

Section 6. That the assignment agreement shall be prepared by the Director of Law.

Section 7. That, under Section 183.14 of the Codified Ordinances of Cleve-

land, Ohio, 1976, and upon approval of the Board of Education of the Cleveland Metropolitan School District and the County Council of Cuyahoga County, Ohio, the Director of Community Development is authorized to transfer the property located at 4501-4801 Chester Avenue and known as Permanent Parcel No. 104-31-017 to the control, possession, and use of the Department of Public Safety for the new Third District Police Station.

Section 8. That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management, Department of Public Works.

Section 9. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase, lease, or otherwise acquire easements, fee interest, licenses, permits and other rights or interests in real property necessary for the Improvement.

Section 10. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire rights or interests in real property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and other consultants and all other costs necessary for the acquisition or use of the rights or interests in the property acquired under this section of this ordinance.

Section 11. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform environmental services, and any other professional services needed to implement the Improvement. Activities shall include, but not be limited to, environmental assessments, surveys, various fees relating to securing a No Further Action Letter, and other activities and services necessary to bring the site to the appropriate standard and secure a No Further Action Letter.

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

Section 12. That the Director of Capital Projects is authorized to apply for and accept gifts or grants from any public or private entity for the purposes that include the Improvement. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the

director, they shall be appropriated for the purposes set forth in this ordinance.

Section 13. That the cost of the contract or contracts, other expenditures, and real property and easement acquisitions authorized in this ordinance shall be paid from Fund Nos. 20 SF 381, 20 SF 391, 20 SF 503, 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, from the fund or funds to which are credited the proceeds of the sale of future subordinated lien income tax bonds, provided this Council authorizes and the City sells the bonds, from the fund or funds approved by the Director of Finance, and from any grants accepted under this ordinance.

Section 14. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law. Motion to suspend rules, Charter, and statutory provisions and place on final passage.

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

Ord. No. 1243-12.

By Council Member Mitchell.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Senior Outreach Services, Inc for the Senior Health Promotion and Socialization Program through the use of Ward 6 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement with Senior Outreach Services, Inc., for the Senior Health Promotion and Socialization Program for the public purpose of providing healthy life style education and socializing activities for senior residents residing in the city of Cleveland through the use of Ward 6 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 1278-12.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the 35th Annual "Walk of Hope", on October 13, 2012, sponsored by the Catholic Charities Disability Services and Ministries.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 34th Annual "Walk for Hope," sponsored by the Catholic Charities Disability Services and Ministries, on October 13, 2012, leave OLA/St. Joseph Center parking lot on Kenilworth; head east on Kenilworth to W. 11th Street; turn right on W. 11th to Starkweather; turn right on Starkweather to W. 14th Street; turn right on W. 14th to Kenilworth; turn right on Kenilworth to W. 11th; turn left onto W. 11th and walk to University Road; turn right on to University and walk to W. 10th Street; turn right on to W. 10th and walk to stop sign; veer left on to Professor Avenue—staying on the right hand side of the street and walk to Jefferson; turn right on to Jefferson and walk to Starkweather—cross W. 14th to the west side of W. 14th; turn right on to W. 14th Street—cross Kenilworth and return to OLA/St. Joseph Center on the left, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1219-12.
By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 2102 Freeman Avenue, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Cull Long & Michalak, LLC, DBA Duck Island Club, 2102 Freeman Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 1845797 to Thinema Group, Ltd., DBA Duck Island Club, 2102 Freeman Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 88712680005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Cull Long & Michalak, LLC, DBA Duck Island Club, 2102 Freeman Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 1845797 to Thinema Group, Ltd., DBA Duck Island Club, 2102 Freeman Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 88712680005; 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1220-12.
By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 2221 Professor Street, 1st floor and rear patio.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from 2221 LLC, DBA Lago, 2221 Professor Street, 1st floor and rear patio, Cleveland, Ohio 44113, Permanent Number 9115407 to Tremont Enterprises, LLC, DBA Lago, 2221 Professor Street, 1st floor and rear patio, Cleveland, Ohio 44113, Permanent Number 9041602; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from 2221 LLC, DBA Lago, 2221 Professor Street, 1st floor and rear patio, Cleveland, Ohio 44113, Permanent Number 9115407 to Tremont Enterprises, LLC, DBA Lago, 2221 Professor Street, 1st floor and rear patio, Cleveland, Ohio 44113, Permanent Number 9041602; 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1221-12.

By Council Member J. Johnson.

An emergency resolution objecting to the transfer of a C2 and C2X Liquor Permit to 10933 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 and C2X Liquor Permit from Eksa, Inc., DBA Nadeen Place, 12420 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44106, Permanent Number 2463717 to Noella, Inc., 10933 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 6428550; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C2 and C2X Liquor Permit from Eksa, Inc., DBA Nadeen Place, 12420 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44106, Permanent Number 2463717 to Noella, Inc., 10933 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 6428550; 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1222-12.

By Council Member Mitchell.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit at 3643 East 116th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Rana Quraan, Inc., DBA Nadias, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 7184705 to 415 68th Street Deli, Inc., 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 2840000; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Rana Quraan, Inc., DBA Nadias, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 7184705 to 415 68th Street Deli, Inc., 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 2840000; 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 trans-

mit 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1223-12.

By Council Member Miller.

An emergency resolution objecting to a New C1 Liquor Permit at 720 East 131st Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Keila Malone, DBA Alyakaj, 720 East 131st Street, Cleveland, Ohio 44108, Permanent Number 5461550; 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 Keila Malone, DBA Alyakaj, 720 East 131st Street, Cleveland, Ohio 44108, Permanent Number 5461550; 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 trans-

mit 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 1236-12.

By Council Member Zone.

An emergency resolution supporting the application of Detroit Shoreway Community Development Organization and Cleveland West Shore Development, Inc. to the Ohio Department of Development for State Historic Tax Credits for the Templin-Bradley Co. Lofts located at 5700 Detroit Avenue.

Whereas, each year the State of Ohio through the Ohio Department of Development allocates State Historic Tax Credits for historic housing developments throughout Ohio using

a competitive proposal process; and Whereas, the Cleveland City Council has recognized the need to maintain historic housing in Cleveland's neighborhoods; and

Whereas, Detroit Shoreway Community Development Corporation and Cleveland West Shore Development, Inc. are proposing an adaptive reuse project to develop the Templin-Bradley Co. Lofts into a 30-unit mixed-income rental-housing project apartments located on the northeast corner of W. 58th Street and Detroit Avenue; and

Whereas, the 48,000 square foot building sits at the eastern edge of the national renowned Gordon Square Arts District and within boundaries of the Gordon Square local historic district; and

Whereas, redevelopment of this currently vacant historic structure will anchor the eastern gateway into the arts district while simultaneously drawing investment to the intersection of W. 58th Street and Detroit Avenue to support local businesses; and

Whereas, Cleveland City Council supports the Detroit Shoreway Community Development Organization/Cleveland West Shore Development, Inc.'s proposal for the Templin-Bradley Co. Lofts as a high priority initiative for future development in the community for the benefit the citizens of the City of Cleveland; 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 application of Detroit Shoreway Community Development Organization and Cleveland West Shore Development, Inc. to the Ohio Department of Development for State Historic Tax Credits for the Templin-Bradley Co. Lofts located at 5700 Detroit Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to Jeff Ramsey, Executive Director, and Matt Lasko, Assistant Director of Detroit Shoreway Community Development Corporation.

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

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

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

Res. No. 1242-12.

By Council Member Sweeney (by departmental request).

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

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2013; and

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

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

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

Section 1. That the amounts and rates as determined by the Budget Commission in its certification are accepted.

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

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

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

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

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

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

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

Res. No. 1279-12.
By Council Member Brancatelli.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 7910 Harvard Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 7274254 owned by Reham Food Mart, Inc., 7910 Harvard Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

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

Res. No. 1280-12.
By Council Member Cleveland.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3020 Carnegie Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 0251905 owned by Arwa G., Inc., 3020 Carnegie Avenue, Cleveland, Ohio 44114, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

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

Res. No. 1281-12.
By Council Member Cleveland.
An emergency resolution objecting to the renewal of a C2, C2X and D6 Liquor Permit at 7535 Kinsman Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2, C2X and D6 Liquor Permit, Permit No. 5144147 owned by Kimetra L. Leslie, 7535 Kinsman Avenue, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

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

Res. No. 1282-12.**By Council Member Mitchell.****An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3600 East 116th Street.**

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 9115172 owned by Tuz, Inc., 3600 East 116th Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

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

Res. No. 1283-12.**By Council Member Polensek.****An emergency resolution objecting to the renewal of a D5 Liquor Permit at 16826 Lakeshore Boulevard.**

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 6548378 owned by 169, LLC, 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

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

Res. No. 1284-12.**By Council Member Sweeney.****An emergency resolution withdrawing objection to Resolution No. 1079-12, adopted August 8, 2012, to an issuance of a new C1 liquor license for RK 4606, Inc., dba Shoprite Supermarket, 4606 West 130th Street.**

Whereas, this Council objected to a New C1 Liquor Permit to 4606 West 130th Street by Resolution No. 1079-12 adopted by the Council on August 8, 2012; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C1 Liquor Permit to RK 4606, Inc., DBA Shoprite Super Market, 4606 West 130th Street, Cleveland, Ohio 44135, Permanent Number 71492800005, be and the same is hereby withdrawn and Resolution No. 1079-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCE PASSED**Ord. No. 906-12.****By Council Member J. Johnson.**

An emergency ordinance designating Empire Junior High School as a Cleveland Landmark.

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

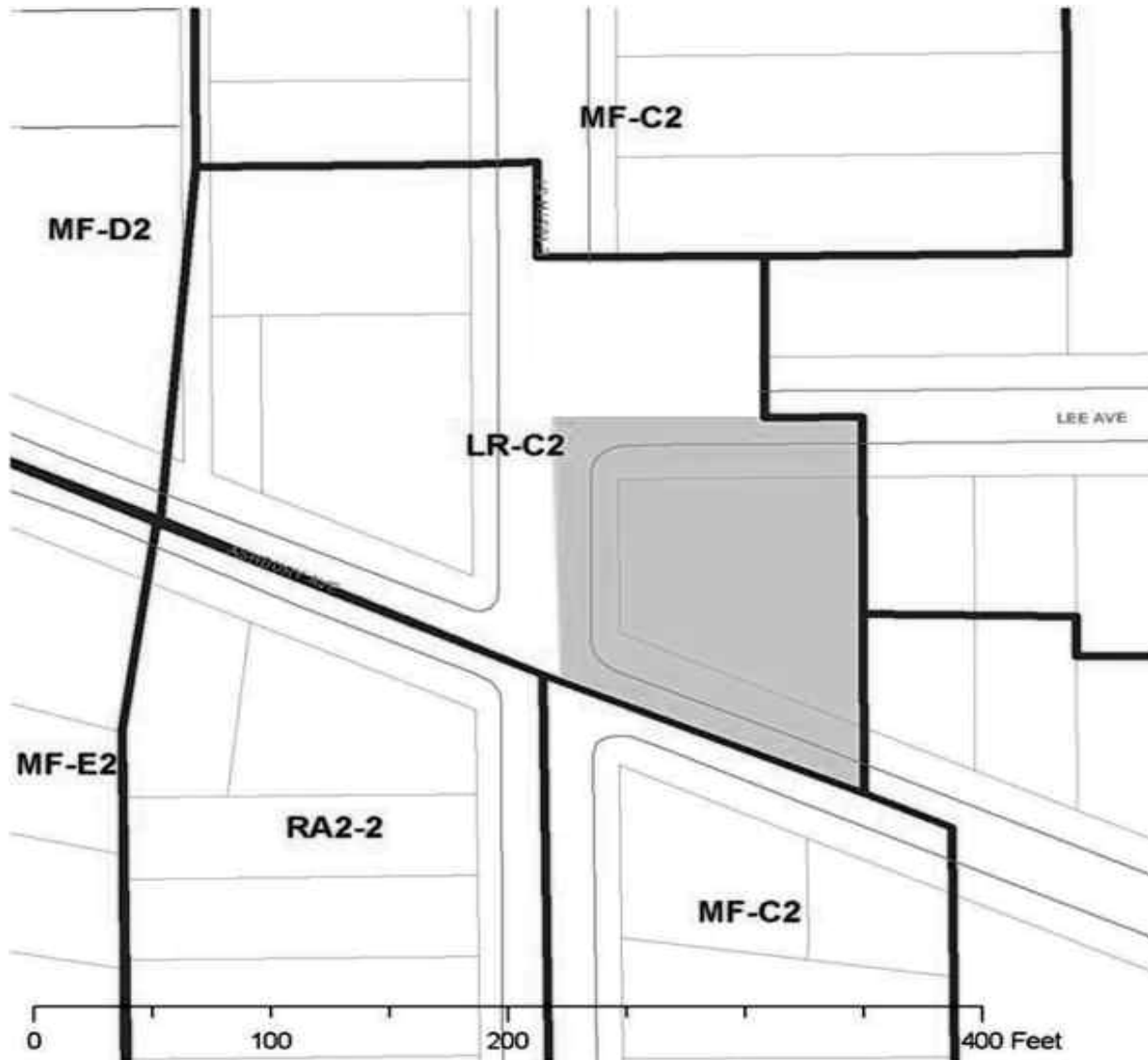
The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

SECOND READING ORDINANCES PASSED**Ord. No. 739-10.****By Council Member Conwell.**

An ordinance changing the Use District of land on the east side of E. 105 St. at Lee Avenue to Open Space and Recreation (Map Change No. 2321; Sheet No. 8).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning, when amended, as follows:

1. Strike the existing map and insert the following:



Amendment agreed to.

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

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

Ord. No. 740-10.

By Council Member Conwell.

An ordinance changing the Use District of land on the east side of E. 105th Street north of Lee Ave. to an RA2 Townhouse District (Map Change No. 2318; Sheet No. 8).

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

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

Ord. No. 741-10.

By Council Members Conwell and J. Johnson.

An ordinance changing the Use, Area and Height Districts of land on the east side of E. 105th Street between Ashbury Ave. and Wade Park Ave. to One Family Residential, an 'A' Area District, and a 'I' Height District (Map Change No. 2317; Sheet No. 8).

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

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

Ord. No. 276-12.

By Council Member Cimperman.

An ordinance to change the Use District of land located on Merwin Street west of Columbus Road from a General Industry District to an Open Space and Recreation District. (Map Change No. 2385 Sheet No. 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning, when amended, as follows:

1. Strike Section 1 in its entirety and insert the following:

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

Beginning in the centerline of Columbus Road at its intersection with the easterly prolongation of the centerline of Merwin Street;

Thence westerly and northwesterly along said easterly prolongation and said centerline of Merwin Street, continuing along its westerly prolongation to its intersection with the easterly line of a parcel of land conveyed to the City of Cleveland by deed dated January 1, 1975, and recorded in Volume 7884, Page 667 of Cuyahoga County Records said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 101-18-004;

Thence northerly along said easterly line and along its northerly prolongation in a straight line to its intersection with the to its intersection with the southerly line of a parcel of land conveyed to Flats Industrial Railroad Company by deed dated July 7, 1999 and recorded in Auditor's File Number 199907070896;

Thence southwesterly along said southerly line to its intersection with the southwesterly line thereof;

Thence northwesterly along said southwesterly line to its intersection with the westerly line thereof;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of British Street;

Thence southwesterly along said centerline of British Street and along its southwesterly prolongation to its intersection with the centerline of Merwin Avenue;

Thence northeasterly along said centerline of Merwin Avenue to it intersection with the southeasterly prolongation of the southwesterly line of Sublot No. 40 in the Cleveland Centre Subdivision shown on the recorded plat in Volume 2, Page 21 of Cuyahoga County Map Records;

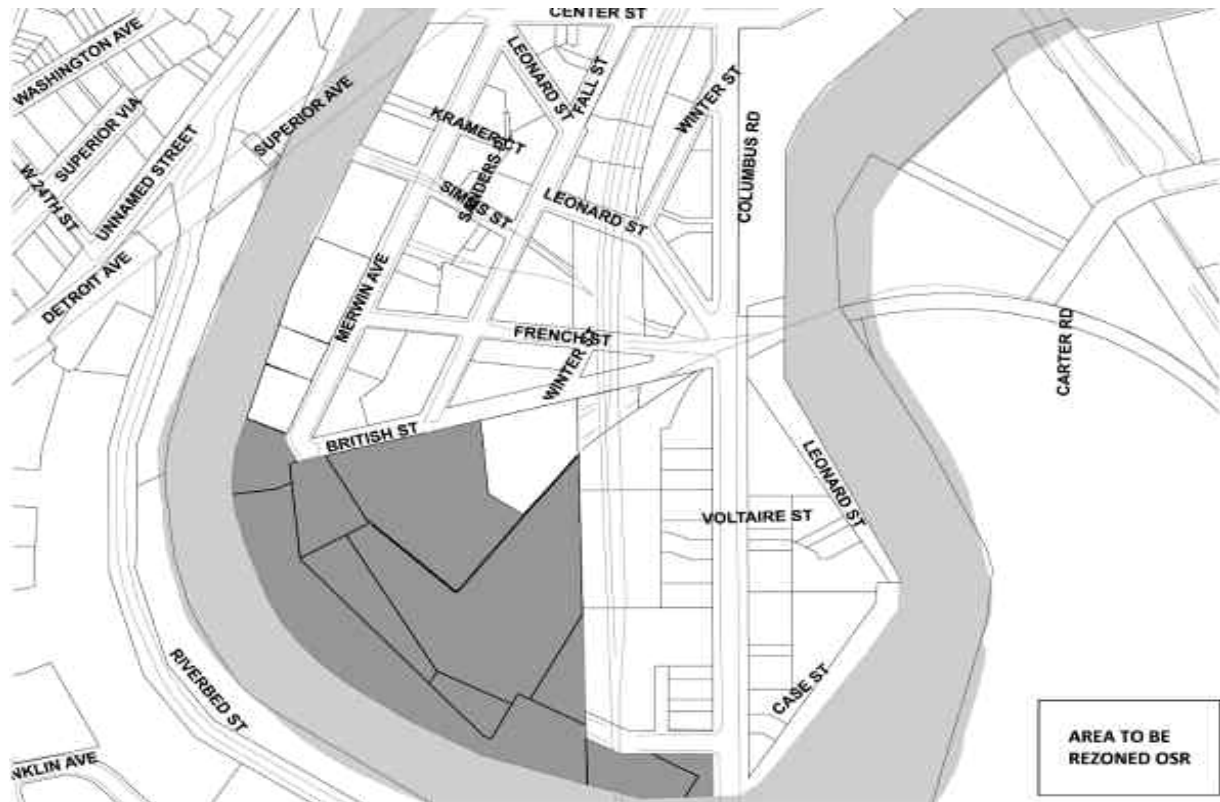
Thence northwesterly along said southeasterly prolongation of said southwesterly line and along its northwesterly prolongation to its intersection with the southeasterly line of the Cuyahoga River;

Thence southwesterly, southerly and southeasterly along said southeasterly line of the Cuyahoga River to its intersection with the centerline of Columbus Road;

Thence northerly along said centerline of Columbus Road to its intersection with the westerly prolongation of the centerline of Merwin Street and the principal place of beginning;

and as shaded on the attached map is changed to an Open Space and Recreation District."

2. Strike the existing map in its entirety and insert the following:



Amendments agreed to.

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

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

Ord. No. 573-12.

By Council Member Mitchell.
An ordinance changing the Use and Area Districts of lands located on the southwest corner of Union Avenue and E. 117th Street to a General Retail Business District and a 'C' Area District (Map Change No. 2392, Sheet Number 10).

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

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

Ord. No. 839-12.

By Council Member Mitchell.
An ordinance to change the Use and Height Districts of land located on the south side of Sophia Avenue west of Woodhill Road shown shaded on the attached map to a Semi-Industry Use District and a '2' Height District (Map Change No. 2395, Sheet Number 5).

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

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

Ord. No. 920-12.

By Council Member Westbrook.
An ordinance changing the Use Districts of lands on the north and south sides of Lorain Avenue between W. 100th Street and W. 95th Street to Local Retail Business (Map Change No. 2399, Sheet Number 2).

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

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

Ord. No. 921-12.

By Council Member Zone.
An ordinance changing the Use District of land located on the west side of West 76th Street shown shaded on the attached map to Local Retail Business (Map Change No. 2400; Sheet Number 1).

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

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

Ord. No. 922-12.

By Council Member Zone.
An ordinance changing the Use District of land located on the north side of Chatham Avenue at its intersection with Fulton Road shown shaded on the attached map to Local Retail Business (Map Change No. 2401; Sheet Number 1).

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

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

MOTION

By Council Member Kelley, seconded by Council Member Cleveland and unanimously carried that the absence of Council Members TJ Dow and Terrell H. Pruitt, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:35 p.m. to meet on Monday, September 17, 2012 at 7:00 p.m. in the Council Chambers.



Allan Dreyer
City Clerk, Clerk of Council
Pro Tempore

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 5, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 5, 2012 at 10:43 a.m. with Interim Director Langhenry presiding.

Present: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Absent: Mayor Jackson, Directors Dumas and Butler.

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

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 451-12.

By Director Withers.
Whereas, under the authority of Ordinance No. 753-09, passed by the Council of the City of Cleveland on August 5, 2009, and Resolution No. 475-09, adopted by this Board of Control on October 28, 2009, the City through its Director of Public Utilities, entered into Contract No. 69748 with Management and Financial Services Group, LLC dba Municipal & Financial Services Group to provide professional consultant services necessary for a comprehensive financial plan including a cost of service and rate & fee analysis for the years 2011 through 2015, for the Divisions of Water and Water Pollution Control, Department of Public Utilities; and

Whereas, under Board of Control Resolution No. 471-10, adopted

November 17, 2010, the Director of Public Utilities was authorized to enter into a first amendment to Contract No. 69748 for additional services; and

Whereas, the City desires to modify City Contract No. 69748 to include additional professional services which consists of five Division of Water Pollution Control tasks: 1) financial model update; 2) rate calculations; 3) report update; 4) meeting updates; and 5) council presentations, which will provide an update to the comprehensive financial plans and facilitate its implementation; and

Whereas, the City desires to modify City Contract No. 69748 to include additional professional services which consists of three Division of Water tasks: 1) stranded cost recovery and cost to cure water rate/fixed charge; 2) expert witness testimony; and 3) wholesale water rate, for financial analysis and facilitation of its implementation; and

Whereas, Management and Financial Services Group, LLC dba Municipal & Financial Services Group has proposed by its proposals dated March 22, 2012 and June 22, 2012 to perform the above-described services for a fee of 67,045.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a second modification to City Contract No. 69748 with Management and Financial Services Group, LLC dba Municipal & Financial Services Group, for additional services, on the basis of Management and Financial Services Group, LLC dba Municipal & Financial Services Group's March 22, 2012 and June 22, 2012 proposals, and increasing the fees paid for all services by \$67,045.00 to \$1,037,217.00. The second modification shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 452-12.

By Director Smith.
Whereas, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976 ("C.O."), a department director may make an agreement grants the privilege of vending commodities or rendering services to the public upon or within parks, public grounds, recreational and other publicly owned facilities of the City for a period not exceeding sixty (60) days; and

Whereas, Cleveland Festival of Art and Technology, a 501(c)(3) nonprofit corporation, is planning to conduct an urban festival event in Cleveland from September 14, 2012 through September 16, 2012 ("Ingenuity Fest") necessitating right-of-entry to the warehouses located at 101 and 103 Erie Side Avenue, Cleveland, Ohio 44114, as well as designated parking spaces on Docks 28B, 30 and 32 for the purpose of tem-

porarily placing and operating equipment, concessions, artists, other personnel, and accommodating the visiting public in connection with Ingenuity Fest; and

Whereas, because of the anticipated significant economic benefit of the Ingenuity Fest on the local commerce, as well as sales, parking occupancy, and transient occupancy taxes to be paid by attendees and the participants, the City is willing to grant Cleveland Festival of Art and Technology the privilege, permit, and license to conduct the Ingenuity Fest during the above-mentioned three-day period, at no concession fee, subject, however to all applicable taxes; and

Whereas, because the Ingenuity Fest is free and open to the public and Cleveland Festival of Art and Technology, not the City, will derive the gross revenues from conduct of the event, it will preserve the recreational use immunity granted to the City as a landowner under Section 1533.181 of the Ohio Revised Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that under the authority of Section 183.04 C.O., Ohio, 1976, the Director of Port Control is authorized to enter into an agreement granting Cleveland Festival of Art and Technology the privilege, permit and license to utilize the warehouses located at 101 and 103 Erie Side Avenue, Cleveland, Ohio 44114, as well as designated parking spaces on Docks 28B, 30 and 32 for conduct of the Ingenuity Fest in Cleveland from September 14, 2012 to September 16, 2012, including, but not limited to, placing and operating equipment, concessions, artists, other personnel, and accommodating the visiting public, without concession fees, but subject to all applicable taxes.

Be it further resolved that the concession agreement with Cleveland Festival of Art and Technology authorized above, shall be prepared by the Director of Law and shall contain such additional provisions considered necessary to protect and benefit the public interest.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 453-12.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 247-11, passed by the Council of the City of Cleveland on June 6, 2011, respectively, the firm Kokosing Construction Company, Inc. ("Consultant") is selected upon nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide design/build services for

the Parking Redevelopment Program - Phase I, for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written Design/Build contract with Kokosing Construction Company, Inc. for the above-mentioned services, based upon its proposal dated July 30, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to Kokosing Construction Company, Inc. for the services authorized shall not exceed \$15,078,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subconsultants by Kokosing Construction Company, Inc. is approved:

<u>Subcontractor</u>	
<u>CSB/OEO% — Amount</u>	
North Electric	17.098% — \$2,578,100.00
MCM Company	11.507% — \$1,735,000.00
B&B Wrecking	13.587% — \$2,048,700.00
Parsons Brinkerhoff (non-certified)	n/a — \$850,000.00
Pro-Geotech	0.118% — \$17,792.00
CAD Concepts, One	0.403% — \$60,732.00
Suhail & Suhail Inc.	0.114% — \$17,160.00
Ronald P. Madison International	0.401% — \$60,462.00

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 454-12.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 874-10, passed by the Council of the City of Cleveland on October 4, 2010, the firm of Michael Baker Jr., Inc. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff to provide professional services necessary to design the public improvement of installing emergency electrical upgrades and power feeds to Main Substations #1 and #2 and associated appurtenances at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Michael Baker Jr., Inc. for the above-mentioned services, based upon its proposal dated July 13, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to Michael Baker Jr., Inc. for the services authorized shall not exceed \$1,069,659.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Michael Baker Jr., Inc. is approved:

<u>Subconsultant</u>	
<u>Percentage — Amount</u>	
CAD Concepts	4.00% - DBE — \$44,000.00
G & T Associates, Inc.	10.00%-DBE — \$109,000.00
McGuinness Unlimited	2.00%-DBE — \$ 18,000.00
North Electric, Inc.	16.00%-DBE — \$167,000.00
Karpinski Engineering	1.87%-Non-DBE — \$ 20,000.00
KS Associates, Inc.	1.12%-Non-DBE — \$ 12,000.00
Inland Water of Ohio	9.73%-Non-DBE — \$104,074.00
Stadelman Associates, Inc.	29.17%-Non-DBE — \$312,000.00

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 455-12.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Northeast Noise Abatement Corporation, for the public improvement of Phase II Continuation of the Residential Sound Insulation Program, General Construction, Group A-12-1, all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on June 21, 2012 under the authority of Ordinance Nos. 930-95, 469-98 and 327-2000, passed June 19, 1995, May 18, 1998 and June 12, 2000, respectively, upon a unit basis for the improvement, in the aggregate amount of \$797,098.00, is affirmed and approved as the lowest responsible bid; and the Director of Port Control 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 employment of the following subcontractor by Northeast Noise Abatement Corporation, is approved:

Subcontractor
DBE% — Amount

Quality Building Supplies, Inc
18.50% DBE — \$244,000.00

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 456-12.

By Directors Cox and Wasik.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 533-12, passed by the Council of the City of Cleveland on June 4, 2012, Westlake, Reed, Leskosky, LLC is nominated by the Directors of Public Works and Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary for the West Side Market-Phase 4 Improvements for the Department of Public Works.

Be it further resolved that the Directors of Public Works and Capital Projects are authorized to enter into a written contract with Westlake, Reed, Leskosky, LLC, based upon its proposal dated July 30, 2012 and which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee not to exceed \$153,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following sub-consultants by Westlake, Reed, Leskosky, LLC is approved:

Sub-Consultant
Percentage — Amount

Robert P. Madison
International, Inc.
CSB/MBE 25.0% — \$38,234.00

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 457-12.

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. 018-17-097 located at 10718 Dale Avenue in Ward 17; 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, William M. Basenback 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 17 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 William M. Basenback for the sale and development of Permanent Parcel No. 018-17-097 located at 10718 Dale 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: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 458-12.

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. 017-06-128 located at 3118 West 84th Street in Ward 16; 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, Maribel Garcia 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 16 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 Maribel Garcia for the sale and development of Permanent Parcel No. 017-06-128 located at 3118 West 84th 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: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 459-12.

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. 123-31-112 located at 4916 Frazee Avenue in Ward 5; 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, Pedro Quinones 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 5 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 Pedro Quinones for the sale and development of Per-

manent Parcel No. 123-31-112 located at 4916 Frazee 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: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 460-12.

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. 123-21-150 located at 5038 House Avenue in Ward 5; 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, Donald P. Meness 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 5 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 Donald P. Meness for the sale and development of Permanent Parcel No. 123-21-150 located at 5038 House 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: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 461-12.

By Director Nichols.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 6-12, passed by the Council of the City of Cleveland on January 22, 2012, Partners Environmental Consulting, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Economic Development as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City of Cleveland to perform professional services necessary to evaluate, assess, and remediate brownfield properties throughout the City of Cleveland.

Be it further resolved that the Director of Economic Development is authorized to enter into a contract with Partners Environmental Consulting, Inc. for the above-mentioned services, based on its proposal dated April 27, 2012, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$90,000, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

Resolution No. 462-12.

By Director Nichols.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 6-12, passed by the Council of the City of Cleveland on January 22, 2012, URS Corporation is selected from a list of firms determined after a full and complete canvass by the Director of Economic Development as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City of Cleveland to perform professional services necessary to evaluate, assess, and remediate brownfield properties throughout the City of Cleveland.

Be it further resolved that the Director of Economic Development is authorized to enter into a contract with URS Corporation for the above-mentioned services, based on its proposal dated April 30, 2012, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$90,000, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Butler.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 24, 2012

9:30 A.M.

Calendar No. 12-117: 11614 Madison Avenue (Ward 16)

CPT Investments, LLC, owner, and Jeremiah Ward, tenant, appeal to establish use for tattoo/body piercing in a two-story mixed use building on a 150' x 90' corner lot on a B3 Semi-Industry District; contrary to Section 347.12(b), the proposed use is within 1,000 feet of a residence district to the north and within 1,000 feet of the Living Miracles, a public or non-profit community center located at 1581 West 117th Street, contrary to the required separation as defined in the Cleveland Codified Ordinances under Specific Uses Regulated.

Violation Notice

Calendar No. 12-149: 3342 West 58th Street (Ward 15)

Darren Morgan appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered from a hearing held on August 1, 2012 by the City of Cleveland Parking Violations Bureau Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00136945, issued May 18, 2012 for the property located at 3342 West 58th Street and failure to comply with the provisions under Section 551.111(b) in the Cleveland Codified Ordinances.

Violation Notice

Calendar No. 12-152: 1337 East 85th Street (Ward 7)

Cyril Weathers appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered ex parte on August 10, 2012 by the City of Cleveland Parking Violations Bureau Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00064477, issued June 20, 2012 for the property located at 1337 East 85th Street and failure to comply with the provisions under Section 551.111(B) in the Cleveland Codified Ordinances.

Calendar No. 12-155: 11211 Juniper Road (Ward 9)

Case Western Reserve University, owner, appeals to construct as temporary parking lot on an acreage parcel in a D5 Multi-Family District; subject to Section 349.07(a) accessory off-street parking spaces, drive-ways and maneuvering areas shall be properly graded for drainage so that all water is drained with the lot; and in accordance with Section 349.13(c) the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a residence district, other than a Limited One-Family District, for a parking lot when the best interests of the community will be served, provided that:

(1) The lot is used only for parking of passenger auto of employees, customers or guests of the person or firm controlling and operating the lot who shall be responsible for its maintenance;

(2) No charge is to be made for the parking lot;

(3) The lot is not to be used for sales, repair work or servicing of any kind;

(4) Entrance to and exit from the lot are to be located so as to do the least harm to the residence district;

(5) No advertising sign or material is to be located on the lot;

(6) All parking is to be kept back of the setback building liner by barrier unless specifically authorized otherwise by the Board;

(7) The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a residence district by a hedge, slightly fence or wall not less than 4 feet 6 inches high and not more than 5 feet high located in back of the setback building line. All lighting is to be arranged so that there is no glare that is annoying to occupants of adjoining property in a residence district and the surface of the lot is to be smoothly graded, hard surfaced and adequately drained;

(8) A building permit number under which the lot is established is to be posted;

(9) Such other and further conditions may be imposed by the Board as deemed necessary in any specific, case so as to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the residence district in which the parking lot is to be located.

Calendar No. 12-158: 2027 West 81st Street (Ward 15)

Rafael Morales, owner, appeals to erect 106 lineal feet of 6 feet high wooden fence with the unfinished side facing the adjacent property on a 35' x 105' parcel a B1 Two-Family District; contrary to Section 358.06(b) in the Fence Regulations of the Cleveland Codified Ordinances that requires the finished side of the fence to face outward toward the adjacent property or street.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 10, 2012

At the meeting of the Board of Zoning Appeals on Monday, September 10, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-145: 1921 Alvin Avenue

Allan Halusker appealed to erect a 10' x 10' shed on the rear lot of a one family dwelling in an A1 One-Family District.

Calendar No. 12-146: 14021 Lakeshore Boulevard

Northeast Ohio Regional Sewer District appealed to erect a temporary 1,560 s/f building for treatment of waste water, a gravel driveway and parking on acreage in an A1 One-Family District; subject to condition.

Calendar No. 12-147: 1909-17 West 25th Street

Tony Iwais appealed for use as a tavern/restaurant and the addition of a patio to an existing building in a C4 Local Retail Business District; subject to conditions.

Calendar No. 12-151: 3154 West 165th Street

Susan Base appealed to erect a 20' x 20' garage on a corner lot in an A1 One-Family District; subject to condition.

Calendar No. 12-126: 1273 West 9th Street

Skyland Hills Corporation, owner, and James Hayden, prospective tenant, appealed for use as a tattoo/body piercing establishment inn a D5 Limited Local Retail Business District; subject to conditions.

The following appeals were **WITHDRAWN:**

None

The following appeals were **DISMISSED:**

None

The following appeals were **POSTPONED:**

Calendar No. 12-143: 2334 West 7th Street postponed to October 8, 2012.

Calendar No. 12-144: 3209 West 84th Street postponed to October 8, 2012.

Calendar No. 12-72: 2884 Scranton Road postponed to October 22, 2012.

Calendar No. 12-153: 2717 Lorain Avenue postponed from September 17, 2012 to October 8, 2012.

The following appeal heard by the Board on September 4, 2012 was adopted and approved on September 10, 2012.

The following appeal was **APPROVED:**

Calendar No. 12-140: 12206 Superior Avenue

Northeast Ohio Neighborhood Health Services, Inc. appealed to erect a single-faced LED message center wall sign in a C2 Local Retail Business District; subject to conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise

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

FRIDAY, OCTOBER 5, 2012

File No. 113-12 — Cab and Chassis with Automated Refuse Bodies, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 570-12, passed by the Council of the City of Cleveland, August 10, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 14, 2012 AT 10:00 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 441105.

September 5, 2012 and September 12, 2012

WEDNESDAY, OCTOBER 10, 2012

File No. 114-12 — Residential Sound Insulation Program Phase II Continuation (Contract A-12-2 HVAC/Electrical Construction) (Re-bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98, 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 22, 2000, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, SEPTEMBER 19, 2012 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 19501 FIVE POINTS ROAD, ENGINEERING BUILDING, BUILDING #206, CLEVELAND, OHIO 44135.

September 5, 2012 and September 12, 2012

FRIDAY, OCTOBER 5, 2012

FILE NO. 116-12 — Police Headquarters Gymnasium Renovations, for the Division of Archi-

itecture and Site Development, Department of Public Works, as authorized by Ordinance No. 1737-08, passed by the Council of the City of Cleveland, December 8, 2008.

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, SEPTEMBER 20, 2012 AT 11:00 A.M. CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 12, 2012 and September 19, 2012

WEDNESDAY, OCTOBER 10, 2012

FILE NO. 115-12 — Service Fittings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, SEPTEMBER 20, 2012 AT 10:30 A.M. THE DIVISION OF WATER - DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, NEWBURGH HEIGHTS, OHIO 44105.

FILE NO. 118-12 — Capital Maintenance and Repair of the City Facilities (Re-Bid), for the Division of Property Management, Department of Public Works, as authorized by Section 131.67 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, SEPTEMBER 25, 2012 AT 10:00 A.M. THE CLEVELAND ROCKEFELLER PARK GREENHOUSE, 750 EAST 88TH STREET, CLEVELAND, OHIO 44108.

September 12, 2012 and September 19, 2012

FRIDAY, OCTOBER 12, 2012

FILE NO. 117-12 — Labor and Materials Necessary to Maintain, Repair or Replace Overhead Doors, Including Manual and Electric Overhead Doors, Rolling Doors, Gates and Security Shutters, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance Nos. 652-12 and 1043-12, passed by the Council of the City of Cleveland, May 21, 2012 and August 8, 2012, respectively.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, SEPTEMBER 26, 2012 AT 10:30 A.M. CLEVELAND CITY HALL, DIVISION OF PUR-

CHASES AND SUPPLIES, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114.

September 12, 2012 and September 19, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Ord. No. 798-11.

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

An ordinance to provide for the consideration of Complete and Green Street elements in all construction projects within the public right-of-way.

Whereas, Complete and Green Streets address the livability and environmental needs of our community with multipurpose streets that better accommodate walkers, cyclists, and public transportation while reducing the environmental impact of our transportation infrastructure by incorporating green infrastructure strategies to reduce waste, storm water run-off and energy consumption; and

Whereas, the City of Cleveland is committed to the creation of a network of Complete and Green Streets that will improve the economic, environmental and social well-being of citizens; and

Whereas, Cleveland's network of Complete and Green Streets will provide safe and desirable travel for users of all ages and abilities and accommodate pedestrians, cyclists, motorists and transit while also incorporating best management practices in green infrastructure; and

Whereas, the City of Cleveland recognizes the need to provide a Complete and Green Streets policy to assist in the management of stormwater runoff and provide environmental benefit; and

Whereas, other jurisdictions and agencies nationwide have adopted Complete and Green Streets legislation in furtherance of these guiding policies; now, therefore

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

Section 1. That the Director of Capital Projects is authorized to implement and enforce policies and guidelines related to Complete and Green Streets in all construction projects within the public right of way. Construction projects include new construction, reconstruction, rehabilitation, resurfacing, and streetscape enhancements.

Section 2. That Complete Street elements are based on guidelines contained in the following documents or organization policies: the Cleveland Bikeway Master Plan, the Americans with Disabilities Act, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal guidelines, the Highway Capacity Manual, the Streetscape Design Guidelines Handbook, the Greater Cleveland RTA Transit Waiting Environment Manual, the Citywide Plan, and other guidelines that may be developed. These guidelines shall be followed on all new construction,

reconstruction, rehabilitation, resurfacing, and streetscape enhancements with the exception of maintenance projects.

Section 3. That Green Street elements are based on guidelines contained in the following documents or organization policies: Cleveland Water Pollution Control guidelines, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal Guidelines, the Streetscape Design Guidelines Handbook, the Northeast Ohio Regional Sewer District stormwater plans, the Ohio Department of Transportation and Ohio Environmental Protection Agency Best Management Practices for Green Streets, and other guidelines that may be developed.

Section 4. That Green infrastructure or Complete Streets elements on resurfacing projects and other roadway maintenance projects conducted by the City of Cleveland shall be limited to minimal impact improvements that do not affect sub base, curbs and sidewalks or other elements outside the scope of a project of maintenance resurfacing. Elements that may be included are paint re-striping, sharrows, signage for cyclists or pedestrians and the use of recycled asphalt.

Section 5. That the Director of Capital Projects shall be authorized to consult an advisory committee to include representatives of all effected City Departments, Northeast Ohio Regional Sewer District, Greater Cleveland Regional Transit Authority, and the Northeast Ohio Areawide Coordinating Agency to review the improvement and any requests for exemptions from the Complete and Green Streets guidelines and, upon consultation with other City Departments, approve exemptions where appropriate. The Director of Capital Projects shall provide notice of all exemption requests to the City Council member or members whose ward or wards include a project seeking an exemption.

Section 6. That exemptions to be considered include, but are not limited to, the following items:

(a) areas where bicyclists and pedestrians are prohibited by law, provided that alternative facilities or accommodations for pedestrians/cyclists are provided within the same transportation corridor;

(b) financial hardship to the project sponsor. Financial hardship exists when compliance with Complete and Green policies and guidelines constitutes a minimum of twenty (20) per cent of the total project cost, but in no event more than one million dollars;

(c) severe topographic or natural resource constraints;

(d) existing structures do not allow for implementation of Complete and Green Street elements;

(e) inclusion of Complete and Green Street elements could result in threats to the safety and welfare of pedestrians, cyclists, or motorists; or

(f) public transit enhancements when the street is not on a public transit route.

Section 7. That all projects approved under the Complete and Green Streets policy include provisions for ongoing maintenance of the improvements. A life cycle cost analysis may be used to determine the feasibility of the improvements. Alternative maintenance arrangements may be utilized to reduce the costs to the City for ongoing maintenance, such as maintenance agreements with adjacent property owners.

Section 8. That the Director of Capital Projects shall provide an annual progress report to Council on the implementation of the Complete and Green Streets Policy.

Section 9. That this ordinance shall be effective January 1, 2012.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed September 19, 2011.
Effective October 19, 2011.

COUNCIL COMMITTEE MEETINGS

**Monday, September 10, 2012
9:00 a.m.**

Health and Human Services Committee: Present: Cimperman, Chair; Keane, Kelley, Reed, Zone. *Authorized Absence:* J. Johnson, Vice Chair; Conwell.

2:00 p.m.

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

**Tuesday, September 11, 2012
9:30 a.m.**

Community and Economic Developments Committee: CANCELLED.

**Wednesday, September 12, 2012
10:00 a.m.**

Aviation and Transportation Committee: Present: Keane, Chair; J. Johnson, Kelley, Mitchell. *Authorized Absence:* Pruitt, Vice Chair; Cummins, K. Johnson. Pro tempore: Sweeney.

1:00 p.m.

City Planning (Zoning) Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Zone. *Authorized Absence:* Conwell, Dow, Keane.

1:30 p.m.

City Planning Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Zone. *Authorized Absence:* Conwell, Dow, Keane.

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Corrigan, Matthew — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1277-12)	1400
Coughlin, John — Oath of Office — Captain — Division of Fire — Safety Department (F 1202-12).....	1400
Dawson, Melissa — Oath of Office — Sergeant — Division of Police — Safety Department (F 1211-12)	1400
Degardeyn, Brian — Oath of Office — Lieutenant — Division of Police — Safety Department (F 1273-12)	1400
Desatnik, Andrew — Oath of Office — Sergeant — Division of Police — Safety Department (F 1210-12).....	1400
Dimuzio, Joe — Oath of Office — Sergeant — Division of Police — Safety Department (F 1214-12)	1400
Kelley, Charles — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1276-12)	1400
Lentz, Edward P. — Oath of Office — Sergeant — Division of Police — Safety Department (F 1209-12).....	1400
Littell, Arthur — Oath of Office — Sergeant — Division of Police — Safety Department (F 1270-12)	1400
Lockwood, Brian — Oath of Office — Sergeant — Division of Police — Safety Department (F 1272-12).....	1400
Luke, Anthony — Oath of Office — Battalion Chief — Division of Fire — Safety Department (F 1275-12)	1400
Mark Sahley — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1205-12)	1400
McMickle, Frederick — Oath of Office — Captain — Division of Fire — Safety Department (F 1274-12)	1400
Neal O'Donnell — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1207-12)	1400
Rose, Arneil — Oath of Office — Sergeant — Division of Police — Safety Department (F 1213-12).....	1400
Saffo, Dana — Oath of Office — Sergeant — Division of Police — Safety Department (F 1212-12)	1400
Todten, Timothy — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1206-12).....	1400
Tucker, Jr., Jerry — Oath of Office — Sergeant — Division of Police — Safety Department (F 1215-12)	1400
Wallenhorst, Patrick — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1204-12)	1400
William Gill, III — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1208-12)	1400
Zedella, Michael — Oath of Office — Battalion Chief — Division of Fire — Safety Department (F 1203-12)	1400

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Degardeyn, Brian — Oath of Office — Lieutenant — Division of Police — Safety Department (F 1273-12)	1400
Desatnik, Andrew — Oath of Office — Sergeant — Division of Police — Safety Department (F 1210-12).....	1400
Dimuzio, Joe — Oath of Office — Sergeant — Division of Police — Safety Department (F 1214-12)	1400
Lentz, Edward P. — Oath of Office — Sergeant — Division of Police — Safety Department (F 1209-12).....	1400
Littell, Arthur — Oath of Office — Sergeant — Division of Police — Safety Department (F 1270-12)	1400
Lockwood, Brian — Oath of Office — Sergeant — Division of Police — Safety Department (F 1272-12).....	1400
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Saffo, Dana — Oath of Office — Sergeant — Division of Police — Safety Department (F 1212-12)	1400
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Corrigan, Matthew — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1277-12)	1400
Coughlin, John — Oath of Office — Captain — Division of Fire — Safety Department (F 1202-12)	1400
Dawson, Melissa — Oath of Office — Sergeant — Division of Police — Safety Department (F 1211-12)	1400
DeGardeyn, Brian — Oath of Office — Lieutenant — Division of Police — Safety Department (F 1273-12)	1400
Desatnik, Andrew — Oath of Office — Sergeant — Division of Police — Safety Department (F 1210-12)	1400
Dimuzio, Joe — Oath of Office — Sergeant — Division of Police — Safety Department (F 1214-12)	1400
Kelley, Charles — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1276-12)	1400
Lentz, Edward P. — Oath of Office — Sergeant — Division of Police — Safety Department (F 1209-12)	1400
Littell, Arthur — Oath of Office — Sergeant — Division of Police — Safety Department (F 1270-12)	1400
Lockwood, Brian — Oath of Office — Sergeant — Division of Police — Safety Department (F 1272-12)	1400
Luke, Anthony — Oath of Office — Battalion Chief — Division of Fire — Safety Department (F 1275-12)	1400
Mark Sahley — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1205-12)	1400
McMickle, Frederick — Oath of Office — Captain — Division of Fire — Safety Department (F 1274-12)	1400
Neal O'Donnell — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1207-12)	1400
Rose, Arneil — Oath of Office — Sergeant — Division of Police — Safety Department (F 1213-12)	1400
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Todten, Timothy — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1206-12)	1400
Tucker, Jr., Jerry — Oath of Office — Sergeant — Division of Police — Safety Department (F 1215-12)	1400
Wallenhorst, Patrick — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1204-12)	1400
William Gill, III — Oath of Office — Lieutenant — Division of Fire — Safety Department (F 1208-12)	1400
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Utilities Department — Contract PI2011000000050 — Terrance Construction Company, Inc. — Water Main Replacements On West Park Blvd., Lansmere Rd. And Stockholm Rd. (Statement of Final Acceptance) (F 1268-12)	1400
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Capital Projects — To appropriate up to six easements for the Harvard Avenue Bridge Project (R 1256-12)	1415
Manns, Inez — Condolence (R 1291-12)	1400
Pearson, Jr., Eugene — Condolence (R 1292-12)	1400
Winkfield IV, Sammy Adair — Condolence (R 1290-12)	1400

Ward 03

Amend Section 447.06 — Route Map and Operations Schedule of Carriage Businesses (O 1237-12)	1404
Brooklyn Centre — (Bicentennial Anniversary) — Congratulations (R 1302-12)	1400
Cleveland Cycle Tours (O 1186-12)	1417
East 14th St. and Prospect Ave. — encroach into right-of-way — maintaining existing basement walls and utility vault area — PSC Hanna Bldg. LLC . — Capital Projects (O 1230-12)	1402

Economic Development — Discount Prepayment Contract No. 47325 for Crittenden Court Apartment Associates Limited Partnership (CCAA) (O 1260-12)	1411
Economic Development — transfer to another taxing district — Legendary GCE Group, llc, dba Rumor, — West 6th St., 1266 (F 1191-12)	1399
Forbes, Esq, George L. — Recognition (R 1320-12)	1401
Freeman Ave., 2102 (1st Fl. & Bsmt.) — objection to transfer of ownership — liquor permit (R 1219-12)	1421
Freeman Ave., 2102 (1st Fl. & Bsmt.) — transfer of ownership application — liquor permit (F 1193-12)	1400
Krosel, Christine L. (Dedication of Christine Krosel Dog Park) — Commemoration (R 1323-12)	1401
Merwin St. (West of Columbus Rd.) — Change Use District — City Planning Commission (O 276-12)	1427
National Hispanic Heritage Month — Recognition (R 1317-12)	1400
Norton, Jr., Mayor Gary — Congratulations (R 1310-12)	1400
Professor St., 2221 (1st Fl. & Rear Patio) — objection to transfer of ownership — liquor permit (R 1220-12)	1421
Professor St., 2221 (1st Fl. & Rear Patio) — transfer of ownership application — liquor permit (F 1192-12)	1399
Smith, Wilma — Recognition (R 1319-12)	1401
Walk of Hope — 35th Annual — permit — Oct. 13th — Catholic Charities Disability Services and Ministries (O 1278-12)	1421
West 6th St., 1266 — new application — liquor permit (F 1190-12)	1399

Ward 04

Abramof, Sergio — Condolence (R 1293-12)	1400
Hampton Rd. — encroach into right-of-way — 15 Ft. By 15 Ft. public art object — Ludlow Community Association — Capital Projects (O 1229-12)	1401
Nichols, Rosemary — Condolence (R 1288-12)	1400

Ward 05

Carnegie Ave., 3020 — objection to renewal — liquor permit (R 1280-12)	1424
East 34th St. (Central Ave. to Project Ave.) — secondary name of Preston H. Terry Jr. Way — City Planning Commission — Capital Projects (O 1226-12)	1401
Gurewitz, Mattie — Condolence (R 1289-12)	1400
Kinsman Ave., 7535 — objection to renewal — liquor permit (R 1281-12)	1424
Stanley, Orion — Congratulations (R 1309-12)	1400
The Cleveland Velodrome — Recognition (R 1322-12)	1401

Ward 06

CMHA — Fairfax Intergenerational Housing — E. 79th St., East 83rd St., Central Ave., & Golden Ave., — Residential Rental Development Projects — OHIA (F 1189-12)	1399
E. 117th St. (Southwest corner of Union Ave.) — Change Use and Area District — City Planning Commission (O 573-12)	1428
East 116th St., 3600 — objection to renewal — liquor permit (R 1282-12)	1425
East 116th St., 3643 — objection to transfer of ownership — liquor permit (R 1222-12)	1422
East 116th St., 3643 — transfer of ownership application — liquor permit (F 1194-12)	1400
Senior Health Promotion and Socialization Program — agreement — Senior Outreach Services, Inc. (Ward 06 NCF) (O 1243-12)	1420
Sophia Ave. (South side) & West of Woodhill Rd. — Change Use and Height Districts — City Planning Commission (O 839-12)	1428

Ward 07

Parker, Rev. Richard T. — Recognition (R 1321-12)	1401
Tidmore, Clara Mae — Condolence (R 1298-12)	1400

Ward 08

Agora (The Metropolitan Theatre, The Koblitz Bldg., And The WHK Bldg.) — Euclid Ave., 4812-5024 — PPN 103-10-017 thru 103-10-025 — designate as landmark — City Planning Commission (O 1261-12)	1412
Albanian American Association of Cleveland — Congratulations (R 1316-12)	1400
Amend Sect. 1 of Ord. No. 879-12 — Euclid Ave. — encroach into right-of-way — 18" X 18" Concrete Square Communication Duct Bank — LDC James LLC — Capital Projects (O 1228-12)	1401
Amend Section 559.242 — Turkish Cultural Garden (O 1233-12)	1403
Belle, Toby Douglas — Condolence (R 1295-12)	1400
Benton, Frances Ida — Condolence (R 1294-12)	1400
Cory United Methodist Church — East 105th St., 1105-17 — PPN 109-16-001 / 002 / 003 / 035/ 036 — Designate As Landmark — City Planning Commission (O 1262-12)	1412
East 51st St., 1448 — encroach into right-of-way — entrance canopy & two support posts — Ohio Technical College — Capital Projects (O 1227-12)	1401
Empire Junior High School — Parmelee Ave., 9113-9223 — PPN 108-19-065 / 066 / 067 / 068/ 069 / 070 / 071 — Designate As Landmark — City Planning Commission (O 906-12)	1425

Superior Ave., 10933 — objection to transfer of liquor license — liquor permit (R 1221-12)	1422
Superior Ave., 10933 — transfer of location application — liquor permit (F 1195-12)	1400
Switzer Apartment Building — East 101st St., 1285-89 — PPN 109-10-126 — Designate As Landmark (O 1263-12)	1413

Ward 09

Abramof, Sergio — Condolence (R 1293-12)	1400
Euclid Ave. — encroach into right-of-way — maintaining building foundations and upper floor building faces — AJAPPJR Uptown LLC — Capital Projects (O 1231-12)	1402

Ward 10

East 131st St., 720 — new application — liquor permit (F 1196-12)	1400
East 131st., 720 — objection to issuance — liquor permit (R 1223-12)	1422

Ward 11

Cavotta, Francis Christie — Congratulations (R 1303-12)	1400
Freedom Christian Assembly Church (Collinwood Christian Church) — East 154th St., 765 — PPN 115-21-066 — designate as landmark — City Planning Commission (O 1266-12)	1414
Lakeshore Blvd., 16826 — objection to renewal — liquor permit (R 1283-12)	1425
Zornes, Ann — Congratulations (R 1304-12)	1400

Ward 12

Harvard Ave., 7910 — objection to renewal — liquor permit (R 1279-12)	1424
National Hispanic Heritage Month — Recognition (R 1317-12)	1400
The Cleveland Velodrome — Recognition (R 1322-12)	1401

Ward 14

Brooklyn Centre — (Bicentennial Anniversary) — Congratulations (R 1302-12)	1400
Janos, Gloria — Condolence (R 1299-12)	1400
National Hispanic Heritage Month — Recognition (R 1317-12)	1400
West 51st Pl. — intention to vacate a portion — Capital Projects — City Planning Commission (R 1232-12)	1414

Ward 15

Chatham Ave. (Intersection with Fulton Rd.) — Change Use District — City Planning Commission (O 922-12)	1428
Franklin Ave., 5105 — transfer of ownership application — liquor permit (F 1197-12)	1400
Horner, Edward Moon — Condolence (R 1286-12)	1400
Meissner, Dr. Joseph Patrick — Congratulations (R 1305-12)	1400
Nance, Frederick R. & Jacquelyn — Congratulations (R 1315-12)	1400
National Hispanic Heritage Month — Recognition (R 1317-12)	1400
Nguyen, Bonadine P. — Condolence (R 1287-12)	1400
Order Italian Sons And Daughters of America — Recognition (R 1318-12)	1401
Templin-Bradley Co. — State Historic Tax Credits — Detroit Ave., 5700 (R 1236-12)	1423
West 65th St., 2044 — transfer of ownership application — liquor permit (F 1198-12)	1400
West 76th St. (West side) — Change Use District — City Planning Commission (O 921-12)	1428

Ward 16

Lorain Ave. (Between W. 100th St. and W. 95th St.) — Change Use District — City Planning Commission (O 920-12)	1428
Meissner, Dr. Joseph Patrick — Congratulations (R 1305-12)	1400
National Hispanic Heritage Month — Recognition (R 1317-12)	1400

Ward 17

Albanian American Association of Cleveland — Congratulations (R 1316-12)	1400
National Hispanic Heritage Month — Recognition (R 1317-12)	1400
West 117th St., 3353 — new application — liquor permit (F 1199-12)	1400

Ward 18

Borkowski, Walter — Congratulations (R 1312-12)	1400
Czernec, Alina (Bak) — Congratulations (R 1313-12)	1400
Dempsey, William J. — Condolence (R 1297-12)	1400
National Hispanic Heritage Month — Recognition (R 1317-12)	1400
Riverside Dr., 3300 (C365) — transfer of ownership application — liquor permit (F 1200-12)	1400

Rucinski, Sylvia — Congratulations (R 1314-12)	1400
Sadler, Gregory M. — Congratulations (R 1311-12)	1400
West 130th St., 4606 — withdraw objection to issuance — repeal Res. 1079-12 (R 1284-12)	1425
West 140th St., 4051 — transfer of ownership application — liquor permit (F 1201-12).....	1400

Ward 19

Cornell, Howard S. — Condolence (R 1296-12).....	1400
Green, Marie — Congratulations (R 1306-12)	1400
O'malley, George T. — Condolence (R 1300-12).....	1400
Rodd, Nancy Herkin — Condolence (R 1301-12)	1400

Water Division

Utilities Department — Enact New Section 535.051 — Residential Testing and Monitoring Programs and Water Bill Credits (O 1240-12)	1419
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Zoning

Chatham Ave. (Intersection with Fulton Rd.) — Change Use District — City Planning Commission (Ward 15) (O 922-12).....	1428
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Sophia Ave. (South side) & West of Woodhill Rd. — Change Use and Height Districts — City Planning Commission (Ward 06) (O 839-12)	1428
West 76th St. (West side) — Change Use District — City Planning Commission (Ward 15) (O 921-12)	1428
E. 105 St. & Lee Ave. — Change the Use District — Open Space and Recreation — City Planning Commission (Ward 09) (O 739-10)	1425
E. 105th Street north of Lee Ave. — Change the Use District — RA2 Townhouse District — City Planning Commission (Ward 09) (O 740-10).....	1426
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