

The City Record

Official Publication of the Council of the City of Cleveland



October the Fifth, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

Erievue Plaza

DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue Plaza

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael 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: John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

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

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

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

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

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

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

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

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

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

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Veruel 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 Marilyn B. Cassidy – Courtroom 12B
Judge Michelle Denise Earley – Courtroom 12C
Judge Emanuella Groves – Courtroom 14B
Judge Anita Laster Mays – Courtroom 14C
Judge Lynn McLaughlin-Murray – Courtroom 12A
Judge Lauren C. Moore – Courtroom 14A
Judge Charles L. Patton, Jr. – Courtroom 13D
Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B
Judge Michael John Ryan – Courtroom 13A
Judge Angela R. Stokes – Courtroom 15C
Judge Pauline H. Tarver – Courtroom 13C
Judge Joseph J. Zone – Courtroom 14D

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

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WEDNESDAY, OCTOBER 5, 2011

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CITY COUNCIL

MONDAY, OCTOBER 3, 2011

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

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 3, 2011

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

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

Also present were Acting Mayor Barbara J. Langhenry, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Andrea V. Taylor, Press Secretary, Andrew Watterson, Chief of Sustainability, Natoya J. Walker-Minor, Chief of Public Affairs - Interim Director of Office of Equal Opportunity, and Directors Dumas, Withers, Smith, Wasik, Butler, Flask, Cox, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich, Lucille Ambroz, Secretary, Civil Service Commission, and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Walter L. Ratcliffe of Good Shepherd Baptist Church, 17822 Euclid Avenue located in Ward 10. Pledge of Allegiance.

MOTION

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

STATEMENT OF WORK ACCEPTANCE

File No. 1400-11.
From Director of Public Works —
Division of Architecture and Site

Development — Contract No. PI201000000037 with Messina Petty Group, LLC, for City Wide Aquatic Site Improvements — Year One, various wards. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1401-11—Allen J. Koson.
Res. No. 1402-11—Dr. David J. Scott.

Res. No. 1403-11—Saunta Anderson.
Res. No. 1404-11—Ora Mae Stinson McHenry.

CONGRATULATION RESOLUTIONS

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

Res. No. 1405-11—Slavic Village Development Corporation.

Res. No. 1406-11—Rotary Club of Cleveland.

Res. No. 1407-11—Anthony Marotta.

Res. No. 1408-11—Dominic Rapposelli.

Res. No. 1409-11—Judge Donna Congeni Fitzsimmons.

Res. No. 1410-11—Ernie LaManna.
Res. No. 1411-11—Monica Johns.

Res. No. 1412-11—Willie L. Holloway, Jr.

Res. No. 1413-11—Katie Lee Campbell.

RECOGNITION RESOLUTIONS

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

Res. No. 1414-11—Mural My Neighborhood.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1383-11.

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

An emergency ordinance to vacate a portion of East 78th Street.

Whereas, under Resolution No. 954-07, adopted June 11, 2007, this Council declared its intention to vacate a portion of East 78th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 15, 2011, the Board of Revision of Assessments approved the above vacation under

the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

All that portion of East 78th Street (49.5 feet wide) extending from the easterly prolongation of the southerly right of way line of Osage Avenue S.E. (40 feet wide) Southerly to the easterly prolongation of the northerly right of way line of Marble Avenue S.E. (40 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power, Dominion East Ohio Gas, and the Illuminating Company (CEI).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, Dominion East Ohio Gas, the Illuminating Company (CEI), and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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. 1384-11.
BY Council Member Cimperman, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of Lakeside Avenue N.E.

Whereas, under Resolution No. 205-11, adopted February 14, 2011, as amended by Ordinance No. 594-11 passed June 6, 2011 this Council declared its intention to vacate a portion of Lakeside Avenue N.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 15, 2011, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Partial Vacation 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Lakeside Avenue N.E. (99 feet wide) and being further known as all that space of the Northerly 18.40 feet that lies between a lower horizontal plane, said plane being also beneath the bottom of secondary utility trench of the existing lower exhibit hall roof at elevation 605.50 feet above sea level (NAVD 29) and an upper horizontal plane, said plane being also the top of slab of the existing lower exhibit hall at elevation 643.30 feet above sea level (NAVD 29), the Center 57.00 feet that lies between a lower horizontal plane, said plane being also beneath the bottom of mat foundation of the existing lower exhibit hall at elevation 608.50 feet above sea level (NAVD 29) and an upper horizontal plane, said plane being also the top of inside structural pan of the existing lower exhibit hall at elevation 638.50 feet above sea level (NAVD 29) and the Southerly 23.60 feet that lies between a lower horizontal plane, said plane being also beneath the bottom of mat foundation of the existing lower exhibit hall at elevation 608.50 feet above sea level (NAVD 29) and an upper horizontal plane, said plane being also the top of slab of the proposed lower exhibit hall at elevation 643.85 feet tapering to 645.00 feet above sea level (NAVD 29) based on National Geodetic Survey Datum, the lateral limits being bounded and described as follows:

Beginning at a stone monument found at the intersection of the center line of Lakeside Avenue N.E. (99 feet wide) with the center line of Ontario Street (99 feet wide); thence North 55°-52'-41" East, along said center line of Lakeside Avenue N.E., a distance of 322.70 feet to a surface elevation of 645.81 feet; thence descending vertically, along the locus of a point, a distance of 7.31 feet to a point in the upper horizontal plane of the Center section at elevation 638.50 feet and the principal place of beginning of the land herein described;

Course 1:

Thence North 34°-07'-19" West, a distance of 49.50 feet to the Northwesterly right of way line of said Lakeside Avenue N.E.;

Course 2:

Thence North 55°-52'-41" East, along said Northwesterly right of way line of Lakeside Avenue N.E., a distance of 489.70 feet;

Course 3:

Thence South 34°-07'-19" East, a distance of 99.00 feet to the Southeastery right of way line of said Lakeside Avenue N.E.;

Course 4:

Thence South 55°-52'-41" West, along said Southeastery right of way line of Lakeside Avenue N.E., a distance of 88.99 feet;

Course 5:

Thence North 34°-07'-19" West, a distance of 17.00 feet;

Course 6:

Thence South 55°-52'-41" West, parallel with said Southeastery right of way line of Lakeside Avenue N.E., a distance of 267.00 feet;

Course 7:

Thence South 34°-07'-19" East, a distance of 17.00 feet to said Southeastery right of way line of Lakeside Avenue N.E.;

Course 8:

Thence South 55°-52'-41" West, along said Southeastery right of way line of Lakeside Avenue N.E., a distance of 133.71 feet;

Course 9:

Thence North 34°-07'-19" West, a distance of 49.50 feet to the principal place of beginning and containing 43,941 Square Feet of land according to a survey made by Thomas J. Neff, Jr. Registered Surveyor No. 7065-Ohio in November of 2010.

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

Partial Vacation 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Lakeside Avenue N.E. (99 feet wide) and is further bounded and described as follows:

Beginning at a stone monument found at the intersection of the center line of Lakeside Avenue N.E. (99 feet wide) with the center line of Ontario Street (99 feet wide). Thence North 55°-52'-41" East, along said center line of Lakeside Avenue N.E., a distance of 49.50 feet. Thence South 34°-03'-06" East, a distance of 49.50 feet to the intersection of the Southeastery right of way line of said Lakeside Avenue N.E. with the Northeastery right of way line of said Ontario Street. Thence North 55°-52'-41" East, along said Southeastery right of way line of Lakeside Avenue N.E., a distance of 406.97 feet to the principal place of beginning of the land herein described;

Course 1:

Thence North 34°-07'-19" West, a distance of 17.00 feet;

Course 2:

Thence North 55°-52'-41" East, parallel with said Southeastery right of way line of Lakeside Avenue N.E., a distance of 267.00 feet;

Course 3:

Thence South 34°-07'-19" East, a distance of 17.00 feet to said Southeastery right of way line of Lakeside Avenue N.E.;

Course 4:

Thence South 55°-52'-41" West, along said Southeastery right of way line of Lakeside Avenue N.E., a distance of 267.00 feet to the principal place of beginning and containing 0.1042 Acres (4,539 Square Feet) of land according to a survey made by

Thomas J. Neff, Jr. Registered Surveyor No. 7065-Ohio in November of 2010.

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

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Water and the Division of Water Pollution Control, the Illuminating Company (CEI) and the Northeast Ohio Regional Sewer District.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Division of Water, the Division of Water Pollution Control, the Illuminating Company (CEI) and the Northeast Ohio Regional Sewer District and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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. 1385-11.

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

An emergency ordinance to vacate a portion of Radio Lane N.E.

Whereas, under Resolution No. 224-11, adopted May 2, 2011, this Council declared its intention to vacate a portion of Radio Lane N.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 15, 2011, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Radio Lane N.E. (66.0 feet wide) (formerly

East 27th Street) extending southerly from St. Clair Avenue N.E. (99.0 feet wide) about 162.0 feet to the easterly prolongation of the northerly line of subplot number 91 in the Perry Payne Subdivision as shown by the recorded plat in volume 2 of maps page 29 of Cuyahoga County Records and all that portion Radio Lane N.E. (12.0 feet wide) (formerly Packard Court) extending easterly from the southerly prolongation of the westerly line of subplot number 94 in aforesaid Perry Payne Subdivision 99.0 feet to the northerly prolongation of subplot number 91 as aforesaid.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for AT&T, The Division of Water, Illuminating Company (CEI).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T, The Division of Water, Illuminating Company (CEI) and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manger of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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. 1386-11.

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

An emergency ordinance to vacate a portion of East 154th Place.

Whereas, under Resolution No. 805-11, adopted July 20, 2011, this Council declared its intention to vacate a portion of East 154th Place; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 15, 2011, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of East 154th Place (14.0 feet wide) extending northerly from the northerly right of way line of Holmes Avenue N.E. (60.0 feet wide) to the westerly prolongation of the southerly line of subplot number 19 in the W.G. Rose Subdivision as shown by the recorded plat in Volume 8 of Maps, Page 1 of Cuyahoga County Records.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power, Dominion East Ohio Gas, the Illuminating Company (CEI), Northeast Ohio Regional Sewer District and AT&T.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, Dominion East Ohio Gas, the Illuminating Company (CEI), Northeast Ohio Regional Sewer District, AT&T and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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. 1387-11.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to SDR University Circle Developer, LLC to encroach into the public right-of-way of Cornell Road by installing, using, and maintaining a fixed canopy and an elevated outdoor seating area and decorative iron fencing.

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 SDR University Circle Developer, LLC, 7139 Pine Street #110, Cleveland, Ohio 44022 ("Permittee"), to encroach into the public right-of-way of Cornell Road by installing, using, and maintaining a fixed canopy and an elevated outdoor seating area and decorative iron fencing at the following location:

423 SQUARE FOOT (0.0097 ACRE) RIGHT-OF-WAY ENCROACHMENT
Situating in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a portion of land within the street right-of-way of Cornell Road, 60 feet wide, abutting Permanent Parcel Numbers 121-01-032, 033, and 037;

Commencing at a stone monument with double drill holes found, (southerly drill hole used), at the center line intersection of Cornell Road, 60 feet wide, and Euclid Avenue, 100 feet wide, of which said monument bears South 42°52' 23" West, and passing over a drill hole in monument found, 0.07 feet (East), at the center line intersection of said Euclid Avenue and Mayfield Road, 84 feet wide and varies, a distance of 202.85 feet therefrom, a total distance of 324.08 feet to a one inch iron pin monument found at the center line intersection of Euclid Avenue, 100 feet wide, and Ford Drive, 55 feet wide; thence South 47°03' 17" East along the center line of Cornell Road, a distance of 193.73 feet to a point therein; thence North 42°56' 43" East, a distance of 25.60 feet to a point, and the TRUE POINT OF BEGINNING for the land hereinafter described, thence clockwise along the following four courses and distances:

Thence North 42°56' 43" East, a distance of 4.40 feet to a point on the northerly line of Cornell Road, 60 feet wide, and the southwesterly corner of land now or formerly owned by University Circle East LLC, an Ohio limited liability company, Permanent Parcel Number 121-01-033, as recorded by AFN 200309181629 of Cuyahoga County Deed Records;

Thence South 47°03' 17" East along said northerly line of Cornell Road, the southerly line of said Permanent Parcel Number 121-01-033 and its southeasterly prolongation, and the southerly line of land now or formerly owned by University Circle East LLC, an Ohio limited liability company, Permanent Parcel Number 121-01-032, as recorded by AFN 200309181629 of Cuyahoga County Deed Records, a total distance of 96.21 feet to the southeasterly corner of land now or formerly owned by University Hospitals of Cleveland, an Ohio corporation not-for-profit, Permanent Parcel Number 121-01-037, as recorded in Volume 577, Page 32 of Cuyahoga County Deed Records;

Thence South 42°52' 23" West, a distance of 4.40 feet to an angle point;

Thence North 47°03' 17" West, a distance of 96.22 feet to the True Point of Beginning, and containing 423 Square Feet (0.0097 acre) of land, more or less, and subject to all easements, restrictions, and covenants of record.

Basis of Bearing: State Plane Grid North NAD83 (CORS96), Ohio North Zone

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 the Mayor's Office of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

Ord. No. 1388-11.
By Council Members Keane, Miller, Cleveland and Sweeney (by department request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Fairview Hospital to encroach into the public right-of-way beneath Lorain Avenue by installing, using, and maintaining a shoring system made up of steel h-piles, wood lagging and tie backs.

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 Fairview Hospital, 18101 Lorain Avenue, Cleveland Ohio 44111 ("Permittee"), to encroach into the public right-of-way beneath Lorain Avenue by installing, using, and maintaining a shoring system made up of steel h-piles, wood lagging and tie backs at the following location:

Encroachment Area

Herein described the right-of-way area to be used for the installation of shoring for Fairview Hospital.

Situating in the State of Ohio, County of Cuyahoga and City of Cleveland, and known as being part of the Original Rockport Township Section No. 13. Beginning at the intersection of Lorain Road and Old Lorain Road, which is the Place of Beginning.

Thence, along the centerline of Lorain Road, South 84°53' 47" West, 55.90 feet to angle point in Lorain Road, this was also the intersection of Groveland Avenue and Lorain Road.

Thence, along the centerline of Lorain Road, North 64°24' 06" West, 366.40 feet to a point and the Principal Place of Beginning.

Thence, South 25°35' 54" West, 30.00 feet to a point on the southerly right of way of Lorain Road.

Thence, North 64°24' 06" West, 410.00 feet to a point along the southerly right of way of Lorain Road.

Thence, North 25°35' 54" East, 30.00 feet to a point on the centerline of Lorain Road.

Thence, North 64°24' 06" East, 410.00 feet to a point along the centerline of Lorain Road back to the Principal Place of Beginning

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

Ord. No. 1392-11.
By Council Members Reed, J. Johnson, Conwell and Polensek.

An emergency ordinance to amend Section 605.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-74, passed March 25, 1974, relating to riots specifically prohibited at community locations.

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 605.01 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance 54-74, passed March 25, 1974, is amended, respectively, as follows:

Section 605.01 Riot

(a) No person shall participate with four or more others in a course of disorderly conduct in violation of Section 605.03, **including but not limited to at a community event, place of business, or any City of Cleveland property, facility, or recreation area:**

(1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;

(2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede or obstruct a function of government; **or**

(3) With purpose to hinder, impede or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.

(b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.

(c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree.

Section 2. That existing Section 605.01 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance 54-74, passed March 25, 1974, 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. 1393-11.

By Council Members Reed, J. Johnson, Conwell and Polensek.

An emergency ordinance to amend Section 625.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1714-09, passed February 8, 2010, relating to possession of instrument with purpose to use it criminally and electronic media device.

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 625.08 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1714-09, passed February 8, 2010, is amended, respectively, as follows:

Section 625.08 Criminal Tools

(a) No person shall knowingly possess or have under his control any device, instrument or article **including but not limited to** those listed herein, with purpose to **use it** criminally:

- (1) Bump key;
- (2) Detached ignition switch;
- (3) Jumper wire device;
- (4) Key cutter;
- (5) Slidehammer;
- (6) **Electronic media device;**
- (7) Any other device, instrument or article commonly used, designed or specially adapted for criminal use;

(b) As used in this section:

(1) "Bump key" means a specially-cut key that is designed to defeat a pin tumbler lock using a technique in which the key is inserted into the lock and struck or bumped with a hammer or other object to cause the pins in the tumbler to separate to allow the lock to open.

(2) "Detached ignition switch" means any ignition cylinder capable of completing the electrical circuit in the ignition system of an automobile.

(3) "Jumper wire device" means any electrical connecting device designed to complete the electrical circuit in the ignition of an automobile.

(4) "Key cutter" means any key-making device capable of cutting or punching out keys.

(5) "Slidehammer" or "slaphammer" means a device with a movable weighted sleeve on a rod used to remove automobile locks.

(6) **"Electronic media device" means "media that uses electronics or electromechanical energy for the end-user (audience) to access the content sent by any equipment used in the electronic communication process, including but not limited to, two-way radio, telephone, desktop computer, and handheld device, and used interactively between two or more people.**

(c) Whoever violates this section is guilty of possession of criminal tools, a misdemeanor of the first degree.

Section 2. That existing Section 625.08 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance 1714-09, passed February 8, 2010, 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. 1394-11.

By Council Members Reed, J. Johnson, Conwell and Polensek.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 605.011, prohibiting inciting to riot.

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 the City of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 605.011 to read as follows:

Section 605.011 Inciting to Riot

No person shall knowingly engage in conduct designed to incite another to commit the offense described in Codified Ordinance Section 605.01 Riot, when the following apply:

The conduct takes place under circumstances that create a clear and present danger that the offense of riot will be committed;

The conduct proximately results in the commission of the offense of riot.

This section may apply by means, including but not limited, use of criminal tools as defined in Codified Ordinance Section 625.08.

Whoever violates this section is guilty of inciting to riot, a misdemeanor of the first degree.

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.

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

Council Member Mitchell and Council Member Zone entered the meeting.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1389-11.

By Council Member Cummins.

An emergency ordinance authorizing Adam Boda to engage in mobile peddling in Ward 14.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 14; 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, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Adam Boda to engage in mobile peddling in the public right of way in Ward 14.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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

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

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

Ord. No. 1390-11.

By Council Member K. Johnson.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Reginald A. Sizemore to engage in peddling at 9520 Woodland Avenue.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of to engage in peddling to Reginald A. Sizemore outside of the Central Business District, and has determined that it is in the public interest to allow Reginald A. Sizemore to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Reginald A. Sizemore to engage in mobile peddling in the public rights of way of Ward 4 at 9520 Woodland Avenue on the sidewalk in front of store.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

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

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

Ord. No. 1391-11.

By Council Member K. Johnson.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Reginald A. Sizemore to engage in peddling at 3319 East 93rd Street.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of to engage in peddling to Reginald A. Sizemore outside of the Central Business District, and has determined that it is in the public interest to allow Reginald A. Sizemore to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Reginald A. Sizemore to engage in mobile peddling in the public rights of way of Ward 4 at 3319 East 93rd Street on the sidewalk in front of store.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

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

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

Ord. No. 1395-11.

By Council Member Zone.

An emergency ordinance authorizing Adam Boda to engage in mobile peddling in Ward 15.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 15; 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, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Adam Boda to engage in mobile peddling in the public right of way in Ward 15.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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

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

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

Ord. No. 1396-11.

By Council Member Conwell.

An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit the Ward 9 Health and Harvest Festival to stretch a banner across 11905 Superior Avenue from October 3, 2011 to October 17, 2011.

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

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

Section 1. That, notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Capital Projects is hereby authorized and directed to issue a permit to the Ward 9 Health and Harvest Festival to stretch a banner across 11905 Superior Avenue from October 3, 2011 to October 17, 2011 inclusive. Said banner shall be approved by the Director of Public Safety as to type, method of affixing and location so as to not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1397-11.

By Council Members Conwell and Cimperman.

An emergency resolution calling upon Mayor Jackson, Cuyahoga County Executive Ed Fitzgerald and the Cuyahoga County Council to form a Gang Prevention and Youth Violence Task Force within the municipalities in Cuyahoga County.

Whereas, gang and youth violence is a growing and real concern across the City of Cleveland and nearly all areas of Cuyahoga County; and

Whereas, nearly every day, there are reports of gang murders, robberies, intimidations and other types of domestic terrorism that seem to be spreading and taxing all systems of government; and

Whereas, we have a responsibility and moral obligation to do all we can to eliminate gangs and the related violence from our society; 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 calls upon Mayor Jackson, County Executive Ed Fitzgerald and the Cuyahoga County Council to form a Gang Prevention and Youth Violence Task Force within the municipalities in Cuyahoga County.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Cuyahoga County Executive Ed Fitzgerald and all members of the Cuyahoga County Council.

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

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

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

Res. No. 1398-11.**By Council Member Brady.****An emergency resolution objecting to a New C1 Liquor Permit at 10945 Lorain Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Sofianos Enterprises, DBA Dimitris Restaurant, 10945 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 83556750005; 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 Sofianos Enterprises, DBA Dimitris Restaurant, 10945 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 83556750005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1399-11.**By Council Member K. Johnson.****An emergency resolution withdrawing objection to the transfer of Liquor License of a D5 and D6 Liquor Permit at 8800 Woodland Avenue, and repealing Resolution No. 981-11, objecting to said transfer.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 8800 Woodland Avenue by Resolution No. 981-11 adopted by the Council on July 20, 2011; and

Whereas, this Council wishes to withdraw its objection to the above transfer of liquor license and consents to said transfer; and

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Ace Palace, Inc., 8800 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 0041983 be and the same is hereby withdrawn and Resolution No. 981-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 910-11.**

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the construction of a multi-purpose trail on the north side of the Lorain Carnegie Bridge from Ontario Street to West 20th Street; and authorizing the Director of Capital Projects to enter into any relative agreements.

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

1. In Section 5(a), line 2, and in Section 5(b), line 1, insert the word "routine" prior to the word "maintenance" in both places.

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read

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

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

Ord. No. 915-11.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69825 with PB Americas, Inc. to provide additional general engineering design services, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Relieved of Committee on Public Service; Passage recommended by Committees on City Planning, Finance, when amended, as follows:

1. Strike Section 1 in its entirety and insert new Section 1 as follows: **"That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69825 for an additional year, with PB Americas, Inc. for general engineering design services for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 to exercise this option."**

Amendment agreed to.

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

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

Ord. No. 917-11.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69828 with C&S Engineers, Inc. to provide additional general engineering design services, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Relieved of Committee on Public Service; Passage recommended by Committees on City Planning, Finance, when amended, as follows:

1. Strike Section 1 in its entirety and insert new Section 1 as follows: **"That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69828 for an additional year, with C&S Engineers, Inc. for general engineering design services for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 to exercise this option."**

Amendment agreed to.

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

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

Ord. No. 918-11.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69827 with Michael Baker,

Jr., Inc. to provide additional general engineering design services, for the Department of Port Control.

Referred to Directors of Port Control, Finance, Law; Relieved of Committee on Public Service; Passage recommended by Committees on City Planning, Finance, when amended, as follows:

1. Strike Section 1 in its entirety and insert new Section 1 as follows: "**That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69827 for an additional year, with Michael Baker, Jr., Inc. for general engineering design services for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 to exercise this option.**"

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

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

Ord. No. 1095-11.

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

An emergency ordinance authorizing the acquisition of certain real property interests from the Greater Cleveland Regional Transit Authority in connection with the new terminus constructed by the GCRTA at Broadway Avenue and Rockefeller Avenue, for the Office of Capital Projects.

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

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

Ord. No. 1096-11.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Tudor Arms Hotel, LLC to encroach into the public right-of-way of Wilbur Avenue S.E. (50.00 feet wide) by using and maintaining an existing building, stairwell, window well, loading dock and ventilation duct.

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

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

Ord. No. 1105-11.

By Council Member Kelley.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3915 Woburn Avenue to Michael H. O'Neil.

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

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

Ord. No. 1217-11.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design, develop, and implement an intranet system, including maintenance and support for a period up to two years, for the various divisions of the Department of Port Control.

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

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

Ord. No. 1218-11.

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

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

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

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

Ord. No. 1220-11.

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

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

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

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

Ord. No. 1304-11.

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

An emergency ordinance to vacate a portion of East 1st Street and a portion of High Avenue S.E.

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 838-11.

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

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

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

Ord. No. 930-11.

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

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

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

Ord. No. 961-11.

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

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

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

**SECOND READING EMERGENCY
RESOLUTION ADOPTED**

Res. No. 1098-11.

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

An emergency resolution declaring the intent to vacate a portion of Allison Avenue N.W.

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

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

MOTION

By Council Member Cummins, seconded by Council Member Miller and unanimously carried that the absence of Council Members Terrell H. Pruitt, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:30 p.m. to meet on Monday, October 10, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 28, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 28, 2011, at 10:34 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson, Directors Withers and R. Smith.

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

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 470-11.

By Director Withers.

Whereas, under the authority of Ordinance No. 775-07, passed by the Cleveland City Council on July 11, 2007, and Board of Control Resolution No. 153-08, adopted April 2, 2008, the City, through its Director of Public Utilities, entered into City Contract No. 67994 with CH2M HILL, Inc. for professional consulting services to assist in the planning and management of the Meter Automation and Replacement Program, for the Division of Water, Department of Public Utilities, for an amount not to exceed \$3,199,986.59; and

Whereas, under the authority of Ordinance No. 513-10, passed May 10, 2010, and Board of Control Resolution No. 558-10, adopted December 29, 2010, the Director of Public Utilities entered into a first modification to Contract No. 67994 for additional services needed for the planning and management of the Meter Automation and Replacement Program and increasing the dollar amount of City Contract No. 67994 by \$4,600,000.00; and

Whereas, by its letter dated September 14, 2011, CH2M HILL, Inc. notified the City of its intent, due to a corporate restructuring, to make a partial assignment City Contract No. 67994 to CH2M HILL Engineers, Inc., effective October 29, 2011, by which

CH2M HILL Engineers, Inc. will assume all rights and benefits under Contract No. 67994 and CH2M HILL, Inc. will retain the liabilities and obligations, for which assignment it must obtain the City's consent through Board of Control resolution; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland, that this Board approves the partial assignment of City Contract No. 67994 from CH2M HILL, Inc. to CH2M HILL Engineers, Inc., effective October 29, 2011, provided that all duties, liabilities and obligations of CH2M HILL, Inc. under City Contract No. 67994 shall remain with CH2M HILL, Inc., as stated in its September 14, 2011 letter to the City.

Be it further resolved, that the Director of Public Utilities is authorized to execute all documents and do all things necessary to consent to and implement the partial assignment of City Contract No. 67994 from CH2M HILL, Inc. to CH2M HILL Engineers, Inc. as set forth above and that a copy of this Resolution and the original of any other instrument that may be executed by the Director of Public Utilities under this Resolution shall be filed with the original of Contract No. 67994 on file in the custody of the Commissioner of Accounts.

Yeas: Interim Director Langhenry, Directors Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Withers and R. Smith.

Resolution No. 471-11.

By Director Withers.

Whereas, under the authority of Ordinance No. 816-11, passed by the Council of the City of Cleveland on July 20, 2011, Board of Control Resolution No. 449-11, adopted September 14, 2011, authorized the Director of Public Utilities to enter into a contract with Kokosing Construction Company, Inc. for the public improvement of the Morgan Raw Water Pump Station Mechanical, Electrical and Miscellaneous Improvements Project No. 608 in the amount of \$5,733,200.00 and approved various subcontractors, for the Division of Water, Department of Public Utilities; and

Whereas, in Resolution No. 449-11, no certified subcontractor utilization was credited to Kokosing for VIP Restoration, Inc., CSB, and Herbst Electric Company, CSB/LPE, because the subcontract amounts in Kokosing's OEO Schedules 2 and 3 were indeterminate; and

Whereas, Kokosing Construction Company, Inc. has submitted revised OEO schedules in which the subcontract amounts in Schedules 2 and 3 for each of VIP Restoration, Inc. and Herbst Electric Company are consistent; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 449-11, adopted September 14, 2011, under authority of Ordinance No. 816-11, passed by the Council of the City of Cleveland on July 20, 2011, approving Kokosing Construction Company, Inc. for the public improvement of the Morgan Raw Water Pump Station Mechanical, Electrical and Miscellaneous Improvements Project No. 608, for

the Division of Water, Department of Public Utilities, is amended by adding "(CSB)" after subcontractor VIP Restoration, Inc. and adding "(CSB/LPE)" after subcontractor Herbst Electric Company.

Be it further resolved that all other provisions of Resolution No. 449-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Withers and R. Smith.

Resolution No. 472-11.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1331-08, passed by the Council of the City of Cleveland on October 6, 2008, the firm of Imaginit Technologies, 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 of the several departments of the City to provide professional services necessary to develop AutoCAD software and upgrades, including equipment and services, installation and set-up, design, training, hosting, implementation, testing, maintaining and technical support for a period of two years, with two one-year options to renew.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Imaginit Technologies, Inc. for the above-mentioned services, based upon its proposal dated March 28, 2011, which contract shall be prepared by the Director of Law, shall provide that the compensation to Imaginit Technologies, Inc. for the services authorized shall not exceed \$71,500.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

Nays: None.
Absent: Mayor Jackson, Directors Withers and R. Smith.

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 Com-

mission and filed at the office of the commission not later than the final closing date stated in the examination announcement.

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

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

ROBERT BENNETT,
President

CIVIL SERVICE NOTICE

**ANNOUNCEMENTS — 2011
10/7/11 - 10/13/11**

Announ- ment No.	Exam Method	Classi- fication	Exam Type
91	WR	Chief Electrical Inspector	N/C
92	WR	Citizen Information Representative	Open
93	W/TY	Data Conversion Operator	Open

PROOF OF CITY RESIDENCY

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

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
- Bank statements (Within last three months).
- School registration of children.
- Car insurance documents.

Car registration **or** Driver's License **or** Ohio I.D. (**One only**).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

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

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

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 91**

**CHIEF ELECTRICAL INSPECTOR
NON-COMPETITIVE**

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

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$58,396.41 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, SEPTEMBER 23, 2011 UNTIL POSITION IS FILLED.**

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

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION

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

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

DUTIES OF THE POSITION

Under direction, supervises the inspection of electrical installations

to ensure compliance with laws, ordinances, rules, and regulations. Supervises, assigns, and reviews the work of the electrical inspection staff. Distributes permit, complaint, and investigation assignments to electrical inspectors. Resolves issues related to interpretation of National Electric Code raised by inspectors, contractors, and the public. Conducts electrical inspections for special events (e.g. carnival, festival). Inspects motion picture theaters. Checks contractor and theater licenses. Conducts special assignment inspections. Investigates accidental electrical shock cases for cause. Resolves problematic installation field cases. Serves as a member of the Board of Electrical Examiners. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. Seven years of full time paid experience as an electrician is required. Current State of Ohio certificate of Competency as an Electrical Safety Inspector; Valid State of Ohio Driver's License is required.

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

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

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 92**

CITIZENS INFORMATION REPRESENTATIVE (OPEN)

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

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$18.73 per hour.

FILING OF APPLICATION

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

SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, OCTOBER 7, 2011 UNTIL 4:30 P.M. ON THURSDAY, OCTOBER 13, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, OCTOBER 13, 2011.

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

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

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

DUTIES OF THE POSITION

Under supervision, aids in the planning and execution of the duties and functions of a citizens participation and public information section relevant to City Programs. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. Must be able to lift and carry 30 pounds.

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

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

NOTE: Any applicant who resigns or is dismissed from employment with

the City of Cleveland will have his/her name removed from the eligible list.

NOTE: Those persons who are residents of the City of Cleveland for at least one year at the date of filing and who received passing scores shall have ten (10) additional points added to their grades. A list of acceptable forms of proof of residency applicants need to present at the time of filing is included with the application.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 93

DATA CONVERSION OPERATOR (OPEN)

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

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$14.94 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, OCTOBER 7, 2011 UNTIL 4:30 P.M. ON THURSDAY, OCTOBER 13, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, OCTOBER 13, 2011.

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

EXAMINATION INFORMATION

TYPE: WRITTEN & TYPING EXAMINATION

NOTE: WRITTEN TEST = 60% OF FINAL GRADE. TYPING TEST = 40% OF FINAL GRADE. THE WRITTEN TEST WILL BE ADMINISTERED FIRST. CANDIDATES MUST RECEIVE A PASSING GRADE ON THE WRITTEN TEST IN ORDER TO BE ABLE TO TAKE THE TYPING TEST WHERE A MINIMUM OF 20 WPM WITH 80% ACCURACY IS REQUIRED IN ORDER TO HAVE THEIR EXAMS GRADED. FAILURE TO OBTAIN 20 WPM WITH 80% ACCURACY ON THE TYPING PORTION OF THE EXAM WILL RESULT IN AN AUTOMATIC SCORE OF ZERO. (FAILURE)

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

DUTIES OF THE POSITION

Under direct supervision, inputs, analyzes, and/or processes various types and forms of data which would include, but would not be limited to, calculating charges, as well as developing and preparing invoices for distribution. Performs clerical, administrative tasks, and other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. Must have a working knowledge of Microsoft Office applications. One year of full time paid experience in Data Entry in an office and/or call center is required. Must be able to type 20 wpm (Gross words per minute minus errors) with 80% accuracy.

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

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

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

NOTE: Those persons who are residents of the City of Cleveland for at least one year at the date of filing and who received passing scores shall have ten (10) additional points added to their grades. A list of acceptable forms of proof of residency applicants need to present at the time of filing is included with the application.

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,
President

October 5 2011

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, OCTOBER 17, 2011

9:30 A.M.

Calendar No. 11-170: 11607 Euclid Avenue (Ward 9)

Maximum Accessible Housing of Ohio appeals to construct a four (4) story apartment building on consolidated parcels located in a D2 Local Retail Business District, subject to the limitations of Area Regulations under Sections 357.04 and 357.08(b)(2) a distance of 10 feet is proposed and 30 feet is required from the front yard line to the street line and a rear yard depth of 3 feet contrary to 30 feet that is required. A gross floor area of 45,496 square feet is proposed and under Section 355.04 the maximum coverage permitted is 22,748 square feet with 24 off-street parking spaces, contrary to Section 349.02(a) and a requirement for 36 spaces; and a landscape strip 3 feet wide along East 116th Street, where a width of 6 feet is required under Sections 352.08-10; and an ornamental fence 6 feet high in the actual front yard is proposed along East 116th Street, contrary to Section 358.05(2) that limits the maximum fence height to 4 feet according to the Cleveland Codified Ordinances.

Calendar No. 11-172: 12645 Lorain Avenue (Ward 17)

The Salvation Army, owner, appeals to erect a 5'-3" x 7'-9" double faced projecting sign on a one-story building located on a 37.43' x 131.87' corner lot in a C2 General Retail business District; contrary to Section 350.08(e) the projecting sign extends 7 feet horizontally from the building wall surface and no more than a projection of 4 feet is permitted; and 41.87 square feet is requested for the projecting sign that is limited to a maximum square footage of 12 square feet in the provisions of Section 350.14 in the Cleveland Codified Ordinances.

Calendar No. 11-173: 12307 St. Clair Avenue (Ward 10)

The 12307 St. Clair Ltd., owner, appeals for an addition to an existing gas station located on a 170' x 150' corner lot in a C2 Local Retail Business District and under the provisions in Section 359.01(a) the proposed nonconforming expansion requires approval from the Board of Zoning Appeals. A landscaping transition strip 10 feet wide is required at the rear of the property between the use and adjacent Residence District and landscaping a width of 4 feet with fifty percent year-round opacity is required along East 123rd Street according to Sections 352.10 and 11. A dumpster enclosure within the 10 foot transition strip at the rear of the lot is not permitted under Sections 352.09 and 352.11 in the Cleveland Codified Ordinances.

Calendar No. 11-174: 1306 West 112th Street (Ward 16)

Valerie Totire, owner, appeals to erect a 9' x 26'-6" wooden, open platform front porch to a two fami-

ly dwelling located on a 50' x 140' lot in a B1 Two-Family District; subject to the limitations under Section 357.13(b)(4), not more than a projection of 6 feet is allowed for an open porch and 9 feet is requested.

Calendar No. 11-175: 17722 Grove-wood Avenue (Ward 11)

Brenda Armstrong-Gary, owner, appeals to use as a Type A Day Care the first floor of a two family dwelling, located on an irregular shaped corner parcel in a C1 Multi-Family District and according to Section 337.08(e) in the Cleveland Codified Ordinances a day care in a Multi-Family District must be separated by 15 feet from an adjoining residential lot.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, OCTOBER 3, 2011

At the meeting of the Board of Zoning Appeals on Monday, October 3, 2011, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 11-160: 2215 West 10th Street

Nicholas Graor appealed to erect an open carport, a second floor deck and two roof dormers to a one family dwelling in a C1 General Retail Business District.

Calendar No. 11-161: 3430 Memphis Avenue

Ewazen Management Ltd., owner, and Makia Santiago, tenant, appealed to change from a plumber contracting office to a nail salon the use of a building in a C1 Multi-Family.

Calendar No. 11-163: 12204 Mayfield Road

Clara's Place LLC and Rosanne Passalacqua, owner, and Anthony Nunes, tenant, appealed to change a store space in a mixed use building to a restaurant in a C2 General Retail Business District; subject to condition.

Calendar No. 11-164: 2656 Martin Luther King Jr. Drive

Eunice Spires appealed to erect an L-shaped wooden wheelchair ramp in the front yard of a parcel in a B1 Two-Family District.

Calendar No. 11-108: 2580 East 93rd Street

Kash Properties LLC appealed to change from an office and storage use to a motor vehicle service garage in a Semi-Industry District.

The following appeals were **WITHDRAWN:**

Calendar No. 11-144: 6707 Morgan Avenue

David Regetz appealed to establish use for outdoor storage of used building materials, construction equipment and vehicles in a B3 General Industry District.

Calendar No. 11-145: 6711 Morgan Avenue

David Regetz appealed to establish use for outdoor storage of used building materials, construction equipment and vehicles in a B3 General Industry District.

The following appeals were **POSTPONED:**

Calendar No. 11-151: 16700 St. Clair Avenue postponed to October 31, 2011.

Calendar No. 11-32: 961 Jefferson Avenue postponed from October 17, to October 31, 2011.

The following appeals heard by the Board on September 26, 2011 were adopted and approved on October 3, 2011.

The following appeals were **APPROVED:**

Calendar No. 11-162: 1103 Stark-weather Avenue

Stephen Harrison appealed to erect a carport and alteration to a side porch of a one family dwelling in a B1 Two-Family District; subject to condition.

Calendar No. 11-143: 1947 West 25th Street

The 25th Street Partnership LLC and Mark Priemer appealed to establish use as a restaurant with a brew house and seating in the basement, on the first floor, on a roof deck and patio in a General Retail-Pedestrian Retail Overlay District.

Secretary

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

Re: Report of the Meeting of
September 28, 2011

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

* * *

Docket A-33-11.

RE: Appeal of Dorothy Marlow, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 1630 East 82nd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, and VACATE ORDER, dated January 26, 2011, and from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated November 4, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order, Vacate Order, and Notice of Violation was properly issued, that the hazards do exist, the appeal for additional time is DENIED; the property is REMANDED at this time to the Department

of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-55-11.

RE: Appeal of Terence Coffey, Owner of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 1331 East 115th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 30, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to present a plan to the City to sell, renovate, or give the property to the land bank; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-58-11.

RE: Appeal of Lance A. Williams, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 12013 Continental Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated April 20, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, the appeal is DENIED based upon the fact that no work has been done and the Appellant was not present for the hearing; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-60-11.

RE: Appeal of Afefa Sadik, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Masonry Walls/Wood Floors Property located on the premises known as 970 Lakeview Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated December 30, 2010 of the Director of the Department of Building and Housing, requiring compli-

ance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all required permits and an additional ninety (90) days in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-64-11.

RE: Appeal of Hampton Way Partners LLC, Owner of the Two Dwelling Units Two-family Residence Two & One/half Story Frame Property located on the premises known as 2042 West 98th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 21, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-65-11.

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

Docket A-65-11 have been POSTPONED; to be rescheduled for October 26, 2011.

* * *

Docket A-66-11.

RE: Appeal of BJMG LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 3670 East 144th Street from a 30 DAY CONDEMNATION ORDER, dated August 14, 2008 of the Director of the Department of Public Safety, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled upon notification from the Appellant.

Docket A-67-11.

RE: Appeal of Amy Whalen, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 6709 Herman Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 4, 2011 of the Director of the Department of Public Safety, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled upon notification from the Appellant.

* * *

Docket A-68-11.

RE: Appeal of Robert C. Jones, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 5811 Portage Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 21, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation was properly issued, that the request for additional time is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-69-11.

RE: Appeal of Mike Bugarcic, Owner of the Two Dwelling Units Two-Family Residence One & One/half Story Frame Property located on the premises known as 5006 Hamm Avenue from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated July 10, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of the violations on the exterior and six (6) months total to complete abatement of all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

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Docket A-70-11.

RE: Appeal of Mark Girgis, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2615 Wade Avenue from a CONDEMNATION

ORDER — MAIN STRUCTURE, dated February 14, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all permits, ninety (90) days in which to complete abatement of all exterior violations and one hundred eighty (180) days in which to complete abatement of all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-71-11.

RE: Appeal of Sheike Shabazz, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 1147 Hayden Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 09, 2010 of the Director of the Department of Building and

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, that two (2) years is an unreasonable amount of time to bring the property up to code, that the Appellant was not present for the hearing, the appeal is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-72-11.

RE: Appeal of Jacqueline Beatrice Parries, Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) Two Story Frame Property located on the premises known as 7917 Linwood Avenue from a NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, dated February 18, 2011 of the Director of the Department

of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-72-11 have been POSTPONED; to be rescheduled for October 12, 2011.

* * *

Docket A-73-11.

RE: Appeal of Irving J. Maldonado, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 3147 West 50th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated February 14, 2011 of the Director of the Department of Building

and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, the property is REMANDED to the Department of Building for supervision and any required further action, noting that the property is scheduled for demolition. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-82-11.

RE: Appeal of Sean Driskel and Mike Hart, Owners of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 3699 East 59th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 22, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-84-11.

RE: Appeal of ACFB Incorporated, Owner of the B Business — Offices, Laboratories, Adult School One Story Masonry Property located on the premises known as 12621 Larchmere Boulevard from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 30, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, that based on the testimony a motion is in order at this time to find that ACFB Incorporated is not the responsible party for the property. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-85-11.

RE: Appeal of Katherine D. Harrison, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 1864 West 48th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 4, 2011 of the Director of the Department of Building and Housing, requiring compli-

ance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation was properly issued and the request for time to abate the violations is DENIED, noting that the Appellant is unable to do any work on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-211-11.

RE: Appeal of David M. Dotson, Owner of the Property located on the premises known as 1846 East 93rd Street from an ADJUDICATION ORDER, dated April 1, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action.

* * *

Docket A-231-11.

RE: Appeal of Absolute Exteriors, Inc., Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3404 West 43rd Street from a NOTICE OF VIOLATION — POOR WORKMANSHIP, dated June 7, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation was properly issued, that the ice guard was eliminated at the request of the owner, but that it's a code violation to do that. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-257-11.

RE: Appeal of Acorn Development, LLC — George Troicky, Owner of the Property located on the premises known as 3725 Croton Avenue from an ADJUDICATION ORDER (use storage/cold storage and interior alternations), dated July 1, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the building to resume business as a frozen food warehouse with the zero degree maintained situation throughout the building without a fire suppression system, noting that Fire Prevention will not protect the building, and that the owner is and has accepted the responsibility of protecting his own property with the items listed by the Department of

Building and Housing; attesting the fire escape, maintaining or providing the properly rated enclosure for the shafts, repairing or replacing the stairwell doors, presenting plans and specifications and drawings and paying the late fee for the improvements made without a permit, provide a complete monitoring system to signal alarms of events within the building and any additions, including the ones you are presenting now, must be from current codes. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-274-11.

RE: Appeal of Kayoko Irie, Owner of the Property located on the premises known as 13002 Larchmere Boulevard from an ADJUDICATION ORDER, dated August 26, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the facility to be occupied in the manner presented with the bathrooms as they are and grant any required variances to the code, and permit the use of a 13-hour fire suppression system throughout the residential areas with a two hour separation between the café and the transient residential areas throughout. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-286-11.

RE: Appeal of Cleveland Museum of Natural History, Owner of the Single Family Residence located on the premises to be moved from 1 Wade Oval Drive to 11601 Wade Park Avenue from an ADJUDICATION ORDER (CCO 3115.06), dated August 26, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, based upon all the information and testimony presented, a motion is in order at this time to approve the house move as proposed. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

EXTENSION OF TIME:

Docket A-80-10.

David M. Dotson — 1851 East 93rd Street:

A motion is in order at this time to grant the Appellant three (3) months in which to weather tight enclosures on the exterior of the property and six (6) months additional time to complete abatement of

all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

* * *

Docket A-327-10.

L.A.T. Investment Properties — 966 East 141st Street:

A motion is in order at this time to extend the existing permits as required to complete the project, granting the Appellant one hundred eighty (180) days in which to complete abatement of all violations, the yard work must be completed within the next two (2) weeks; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-427-10.

Donald King — 935 East 150th Street:

A motion is in order at this time to amend the original resolution and grant the Appellant three (3) more months in which to abate the violations, do to the condition of the porch which presented a problem; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Denk.

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

* * *

OTHER BOARD BUSINESS:

Docket A-466-10.

Pauline Curiale (Deceased) C/O Lawrence Vesely — 4514 Lester Street:

A motion is in order at this time to permit the Appellant to work on the interior for the first one hundred eighty (180) days provided that the building stays weather tight while completing the entire project, and three hundred sixty (360) days provided that good progress is made during the first one hundred eighty (180) days and the inspector deems it feasible to continue; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

APPROVAL OF RESOLUTIONS:

Approval of Resolutions from September 14, 2011 Board Meeting will be adopted October 12, 2011.

APPROVAL OF MINUTES:

Approval of Minutes from September 14, 2011 Board Meeting will be adopted October 12, 2011.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Scaled bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 19, 2011

File No. 158-11 — Automobile and Equipment Lubricants, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.65 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDA-

TORY PRE-BID MEETING FRIDAY, OCTOBER 7, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 159-11 — Cab and Chassis W/Flat Bed and Crane, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1849-08, passed by the Council of the City of Cleveland, January 26, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 7, 2011 AT 10:30 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 160-11 — Cab and Chassis W/Large USV Body, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinances No. 1602-10, Passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 7, 2011 AT 11:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

September 28, 2011 and October 5, 2011

THURSDAY, OCTOBER 20, 2011

File No. 161-11 — Miles Pointe Crossing Parking Lot Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 6, 2011 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 3RD FLOOR CONFERENCE ROOM, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2011 and October 5, 2011

FRIDAY, OCTOBER 21, 2011

File No. 162-11 — Martin Luther King Jr. Drive Rehabilitation (Chester Avenue to North Marginal Road), for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 722-10, passed by the Council of the City of Cleveland, June 7, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) IN THE

FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 6, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2011 and October 5, 2011

FRIDAY, OCTOBER 21, 2011

File No. 163-11 — Carr Center HVAC and Facility Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 1724-09, passed by the Council of the City of Cleveland, February 8, 2010.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, OCTOBER 11, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 164-11 — Labor and Materials for Repairing or Replacing Roofs, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 956-11, pending passage by the Council of the City of Cleveland.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 7, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 166-11 — Purchase of LED Street Lights for a Pilot Program, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 558-11, passed by the Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 7, 2011 AT 10:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2011 and October 5, 2011

FRIDAY, OCTOBER 28, 2011

File No. 167-11 — Paper Shredder System, for the Division of Waste Collection and Disposal, Department of Public Works, as autho-

rized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, OCTOBER 11, 2011 AT 10:00 A.M. THE DIVISION OF WASTE COLLECTION AND DISPOSAL, 5600 CARNEGIE AVENUE, CONFERENCE ROOM, CLEVELAND, OHIO 44103.

September 28, 2011 and October 5, 2011

FRIDAY, DECEMBER 9, 2011

File No. 165-11 — Upper Level Roadway Expansion Joints Rehabilitation Project, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 274-05, passed by the Council of the City of Cleveland, May 2, 2005.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 20, 2011 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

September 28, 2011 and October 5, 2011

WEDNESDAY, OCTOBER 26, 2011

File No. 169-11 — 2011 Cemetery Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 454-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 13, 2011 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 3RD FLOOR CONFERENCE ROOM, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 170-11 — Fulton Road Construction (Denison Avenue to Clark Avenue), for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 619-10, passed by the Council of the City of Cleveland, June 7, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) IN THE

FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 13, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 174-11 - Dive Equipment, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 811-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 13, 2011 AT 10:00 A.M. FIRE HEAD-QUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

October 5, 2011 and October 12, 2011

FRIDAY, OCTOBER 28, 2011

File No. 171-11 - Purchase of Janitorial Supplies, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 14, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

October 5, 2011 and October 12, 2011

THURSDAY, NOVEMBER 3, 2011

File No. 175-11 - Document Scanning and Data Entry Services, for the Division of the Central Collection Agency, Department of Finance, as authorized by Ordinance No. 913-11, passed by the Council of the City of Cleveland, August 17, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, OCTOBER 17, 2011 AT 2:00 P.M. THE CENTRAL COLLECTION AGENCY, 205 WEST SAINT CLAIR AVENUE, ROOM 300, CLEVELAND, OHIO 44113.

October 5, 2011 and October 12, 2011

FRIDAY, NOVEMBER 4, 2011

File No. 168-11 2011 - Landscape Maintenance at Various Public Utilities Facilities (Re-bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1599-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 13, 2011 AT 2:30 P.M. THE CARL B. STOKES, PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 172-11 - Disposal of Construction and Demolition Debris - Contracts C & D, for the Division of Waste Collection and Disposal, Department of Public Works, as authorized by Ordinance No. 749-11, passed by the Council of the City of Cleveland, June 6, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, OCTOBER 19, 2011 AT 10:00 A.M. THE DIVISION OF WASTE COLLECTION AND DISPOSAL, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

October 5, 2011 and October 12, 2011

WEDNESDAY, NOVEMBER 9, 2011

File No. 173-11 - EOC Project Audio Visual Upgrade Equipment, for the Division of Safety Administration, Department of Public Safety, as authorized by Ordinance No. 715-09, passed by the Council of the City of Cleveland, June 1, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, OCTOBER 17, 2011 AT 3:00 P.M. THE OFFICE OF EMERGENCY MANAGEMENT, 205 WEST SAINT CLAIR AVENUE, ROOM 306, CLEVELAND, OHIO 44113.

October 5, 2011 and October 12, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

Ord. No. 1102-11.
By Council Members **K. Johnson, Mitchell, Brancatelli, Cleveland and Sweeney** (by departmental request).

An emergency ordinance authorizing the Director of Community Development to sell or to lease for up to ten years, certain real property currently in the City's Land Reutilization Program to **Miceli Lograsso Development Company III LLC**.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

Whereas, through the City's Land Reutilization Program the City owns real property located on and in the vicinity of Lisbon Road, Grand Avenue, Tennyson Road, East 89th Street and East 90th Street; and

Whereas, **Miceli Lograsso Development Company III LLC**, in connection with its business expansion, has proposed to purchase or to lease for up to ten years certain real property, which is not needed for public use, from the City's Land Reutilization Program; and

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real properties, more fully described in Section 2 of this ordinance, to **Miceli Lograsso Development Company III LLC**.

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

P. P. No. 126-20-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 7 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northwesterly line of Grand Avenue S.E., (formerly Ellsworth Street), at a point 68-65/100 feet Northeasterly, (measured along said Northwesterly line of Grand Avenue, S.E.), from the most Southerly corner of said Sublot No. 7; thence Northeasterly along said Northwesterly line of Grand Avenue S.E., 74-97/100 feet to the Southwesterly line of Buckeye Road, S.E., (formerly Woodland Avenue); thence Northwesterly along said Southwesterly line of Buckeye Road, S.E., 50-06/100 feet to the most Northerly corner of said Sublot No. 7; thence Southwesterly along the Northwesterly line of said Sublot No. 7, 77-45/100 feet; thence Southeasterly parallel with the Southwesterly line of said Sublot No. 7, 50 feet to the place of beginning, according to the Survey made by Charles W. Root, Civil Engineer, April 1919.

P. P. No. 126-20-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 7 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being a parcel of land bounded and described as follows:

Beginning on the Northwesterly line of Grand Avenue, S.E., (formerly Ellsworth Street) at a point 35.65 feet Northeasterly (measured along said Northwesterly line of Grand Avenue, S.E.) from the most Southerly corner of said Sublot No. 7; thence Northeasterly along said Northwesterly line of Grand Avenue S.E., 33 feet; thence Northwesterly parallel with the Southwesterly line of said, Sublot No. 7, 50 feet to the Northwesterly line of Sublot No. 7; thence Southwesterly along said Northwesterly line, of Sublot No.7; 33 feet; thence Southeasterly parallel with the Southwesterly line of Sublot No. 7, 50 feet to the place of beginning; being a parcel of land 33 feet front on the Northwesterly side of Grand Avenue, S.E. and extending back of equal width 50 feet deep, be the same more or less, but subject to all legal highways, according to survey made by Charles W. Root, Civil

Engineer, April, 1919, be the same more or less, but subject to all legal highways.

P. P. No. 126-20-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being the Southwesterly 25 feet of Sublot No. 51 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 25 feet front on the Northwesterly side of Grand Avenue, S.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways, and subject to an easement of ingress and egress for pedestrians and vehicles in favor of the property adjoining the aforesaid property on the northeasterly line, which easement is in, over and upon the following described portion of the aforesaid property, namely:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northeasterly 4 feet of the Southwesterly 25 feet of Sublot No. 51 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 4 feet front on the Northeasterly side of Grand Avenue, S.E., and extending back of equal width 125 feet as appears by said plat, be the same more or less, but subject to all legal highways: Together with an easement of ingress and egress for pedestrians and vehicles in, over and upon a portion of the property adjoining the first above described property on the northeasterly line, which portion is described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southwesterly 4 feet of the Northeasterly 25 feet of Sublot No. 51 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 4 feet front on the Northwesterly side of Grand Avenue, S.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways; and further described as a 9-room, frame, single house, known as being 2660 Grand Avenue.

P. P. No. 126-20-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: Sublot No. 52 in Brooks, Pope and Cowles' Allotment, Subdivision of part of Original One Hundred Acre Lot Nos. 415 and 416 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 40 feet front on the Northwesterly side of Grand Avenue (50 feet wide), and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-20-016

Situated in the City of Cleveland County of Cuyahoga and State of Ohio and known as being Sublot No. 59 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred

Acre Lot Nos. 415, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

P. P. No. 126-20-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 60 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5, of Maps, Page 33 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

P. P. No. 126-20-018

Situated in the City of Cleveland, County, of Cuyahoga and State of Ohio and known as being Sublot No. 61 in the Brooks, Pope and Cowles' Allotment of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 40 feet front on the Northwesterly side of Grand Avenue, S.E., and extending back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways, excepting therefrom the Southerly 1.5 feet from front to rear of said Sublot.

Also subject to zoning ordinances, if any.

P. P. No. 126-20-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being the Southerly 1 feet, of Sublot No. 61, all of Sublot No. 62 and the Northerly 8 feet of Sublot No. 63 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and together forming a parcel of land 50 feet front on the Westerly side of Grand Avenue, S.E. (formerly Ellsworth Street) and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-20-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 31.5 feet of Sublot No. 63 in Brooks, Pope and Cowles' Allotment of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424 as shown by the recorded plat of said Allotment in Volume 5 of Maps, Page 33 of Cuyahoga County Records. Said part of Sublot No. 63 has a frontage of 31.5 feet on the Westerly side of Grand Avenue, S.E. (formerly Ellsworth Street) and extends back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-20-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southerly 29 feet of the Westerly 115 feet of Sublot No. 38 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415 and 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being

29 feet front on the Easterly side of Lisbon Road, S.E., and extending back of equal width 115 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 126-20-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 39 and the Northerly 11 feet of Sublot No. 38 and the Southerly 10 feet of Sublot No. 40 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 61 feet on the Southeasterly side of Lisbon Road, S.E., (formerly Lisbon Street) extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-20-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 43 in Brooks, Pope and Cowles' Subdivision of a part of Original One Hundred Acre Lot Nos. 415, 416, 425 and 424 in said City. Said Sublot No. 43 has a frontage of 40 feet on Lisbon Road, S.E., and extending back of equal width 125 feet deep, as per plat of said Subdivision recorded on Volume 5 of Maps, Page 33 of Cuyahoga County Records.

P. P. No. 126-20-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in Brooks, Pope and Cowles' Subdivision, of a part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424 in said City. Said Sublot No. 44 has a frontage of 40 feet on Lisbon Road S.E., and extends back of equal width 125 feet deep, as per plat of said Subdivision recorded in Volume 5 of Maps, Page 35 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 126-20-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 47 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Easterly side of Lisbon Road (formerly) Lisbon Street and extending back 125 feet of equal width, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-20-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 49 in Brooks, Pope, and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Easterly side of Lisbon

Road, S.E. and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any

P. P. No. 126-22-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 43 in Caskey and Calhoun's Subdivision of part of Original One Hundred Acre Lot Nos. 416 and 424, as shown by the recorded plat in Volume 18 of Maps, Page 3 of Cuyahoga County Records and being 30 feet front on the Easterly side of East 89th Street (formerly Herschner Street), and extending back 128.86 feet deep on the Northerly line, 128.93 feet deep on the Southerly line and 30 feet wide in the rear along the Westerly line of East 90th Place, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 126-22-034

Situated in the City of Cleveland County of Cuyahoga and State of Ohio; and known as being Sublot No. 44 in Caskey and Calhoun's Subdivision of a part of Original One Hundred Acre Lot Nos. 416 and 424 as shown by the recorded plat of said Subdivision in Volume 18 of Maps, Page 3 of Cuyahoga County Records. Said Sublot No. 44 has a frontage of 30 feet on the Easterly side of East 89th Street, and extends back 128 79/100 feet on the Northerly line, 128 86/100 feet on the Southerly line, and has a rear line of 30 feet, as appears by said plat, be the same more or less, but subject to all legal highways:

P. P. No. 126-22-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 46 in Caskey and Calhoun's Subdivision of a part of Original One Hundred Acre Lot Nos. 416 and 424, as shown by the recorded plat in Volume 18 of Maps, Page 3 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 89th Street, and extending back 128.65 feet on the Northerly line, 128.72 feet on the Southerly line, and having a rear line of 30 feet along the Westerly line of East 90th Place, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 49 in Caskey and Calhoun's Subdivision of part of Original One Hundred Acre Lot Nos. 416 and 424 as shown by the recorded plat in Volume 18 of Maps, Page 3 of Cuyahoga County Records and being 30 feet front on the Easterly side of East 89th Street (formerly Herschner Street) 128.44 feet deep on the Northerly line, 128.51 feet deep on the Southerly line and 30 feet wide in the rear along a 12 foot alley as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 126-22-049

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being Sublot No. 14 in Caskey and Calhoun's Subdivision of part of Original One Hundred Acre Lot Nos. 416 and 424, as shown by the recorded plat in Volume 18 of Maps, Page 3 of Cuyahoga County Records, and being 30 feet front on the Westerly side of East 89th Street (formerly Herschner Street) and extending back of equal width 136.76 feet, as appears by said plat, be the same more or less, but subject to all legal highway.

P. P. No. 126-22-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423, and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Southeasterly side of Tennyson Road S.E. and extending back 125 feet deep on the Northeasterly line, 125 feet deep on the Southwesterly line, which is also the Northwesterly line of Evarts Avenue S.E. and having a rear line of 40 feet along the Northwesterly line of East 89th Place, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 123 in Brooks, Pope and Cowles' Allotment of part of Original One Hundred Acre Lot Nos. 415, 416, 423, and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Southeasterly side of Tennyson Road S.E. (formerly Taylor Street) and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 122 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

P. P. No. 126-22-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No.121 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 40 feet front on the Southeasterly side of Tennyson Road, S.E. and extending back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-23-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known and described as follows: And known as being Sublot No. 22 in E. Sell's Subdivision of part of Original One Hundred Acre Lot No. 424, as shown by the recorded plat in

Volume 4 of Maps, Page 46 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Bismark Avenue (now known as East 90th Street) and extending back of equal width 172 feet deep, be the same more or less, but subject to all legal highways.

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

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

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

Section 6. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease one or more properties, which are not needed for public use, to Miceli Lograsso Development Company III LLC.

Section 7. That the term of the leases authorized by this ordinance shall not exceed ten years, and may be cancelled upon thirty days written notice by the Director.

Section 8. That the real property described below shall be leased at Fair Market Value, to be established by the Board of Control.

Section 9. That the real property to be leased under this Ordinance is more fully described as follows:

P. P. No. 126-22-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 88 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Southeasterly side of Grand Avenue, S.E., and extending back of equal width 125 feet deep on the Northeasterly side, and 125 feet deep on the Southwesterly side which is also the Northeasterly line of Evarts Road, S.E., as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 89 in Brooks, Pope and Cowles' Allotment of part of Original One Hundred Acre Lots Nos. 415, 416, 423 and 424, as

shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Easterly side of Grand Avenue, S.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 126-22-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 90 in Brooks, Pope and Cowles' Allotment of part of Original One Hundred Acre Lots Nos. 415, 416, 423 and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Southeasterly side of Grand Avenue, S.E., and extending back between parallel lines 125 feet deep, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 91 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 416 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being a parcel of land 40 feet front on the Southeasterly side of Grand Avenue, and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 126-22-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 92 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lot Nos. 415, 416, 423, and 424; as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 40 feet front on the Easterly side of Grand Avenue, S.E. (formerly Ellsworth Avenue) and extending back between parallel lines, 125 feet as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 94 in Brooks, Pope and Cowles' Allotment of part of Original One Hundred Acre Lots Nos. 415, 416 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Southeasterly side of Grand Avenue, S.E., (formerly Ellsworth Street) and extending back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423 and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 50 feet inches front on the Southerly side of Buck-

eye Road, S.E., and extending back 148 feet 9-1/4 inches deep on the Easterly line, 151 feet 3 inches deep on the Westerly line and is 50 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 126-22-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 3 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 50 feet of an inches front on the Southerly side of Buckeye Road, S.E., and extending back 146 feet 3 inches on the Easterly line, 148 feet 9 inches on the Westerly line, and having a rear line of 50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 126-22-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423 and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and further described as follows:

Beginning of the Southwesterly line of Buckeye Road, S.E., at its intersection with the Northwesterly line of Tennyson Avenue, S.E., thence Southwesterly along the said Northwesterly of Tennyson Avenue, S.E., 63 42/100 feet to the principal place of beginning; thence Northwesterly at right angles to the Northwesterly line of Tennyson Avenue, S.E., 50 feet to the Northwesterly line of Sublot No. 2; thence Southwesterly along the Northwesterly line of Sublot No. 2, 27 01/100 feet; thence Southeasterly, 50 feet to the Northwesterly line of Tennyson Avenue, S.E. to a point distant 27.01 feet Southwesterly from the principal place of beginning; thence Northeasterly along the Northwesterly line of Tennyson Avenue, S.E., 27 01/100 feet to the principal place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as the Northeasterly 26.80 feet of the Southeasterly 53.40 feet of Sublot No. 2 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 26.80 feet front on the Northwesterly side of Taylor Street, now known as Tennyson Road, S.E., and extending back between parallel lines, 50 feet to the Northwesterly line of said Sublot No. 2, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions and easements contained in deed recorded in Volume 8681, Page 671, Cuyahoga County Records.

Subject to zoning ordinances, if any.

P. P. No. 126-22-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly 26.6 feet of Sublot No. 2 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423 and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 26.6 feet front on the Northwesterly side of Tennyson Road, S.E., (formerly Taylor Street) and extending back of equal width 50 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 96 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 50 feet front on the Westerly side of Tennyson Road, S.E., and extending back of equal width 125 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 126-22-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 40 feet front on the Westerly side of Tennyson Road, S.E., (formerly Taylor Street) and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 126-22-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 98 and the Northeasterly 3 feet of Sublot No. 99 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and together forming a parcel of land 43 feet front on the Northwesterly side of Tennyson Road, S.E., (formerly Taylor Street) and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly 37 feet of Sublot No. 99 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 37 feet front on the Northwesterly side of Tennyson Road, S.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 126-22-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 100 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 416, and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records, and being 40 feet front on the Northwesterly side of Tennyson Road, S.E., (formerly Taylor Street), and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 101 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the westerly side of Tennyson Road, S.E. (formerly Taylor Street) and extending back of equal width 125 feet as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 102 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424, as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Northwesterly side of Tennyson Road, S.E. and extending back of equal width, 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-22-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in Brooks, Pope and Cowles' Subdivision of part of Original One Hundred Acre Lots Nos. 415, 416, 423, and 424 as shown by the recorded plat in Volume 5 of Maps, Page 33 of Cuyahoga County Records and being further described as follows:

Beginning in the Southwesterly line of Buckeye Road, S.E., at the most Northerly corner of said Sublot No. 2; thence Southeasterly along said Southwesterly line of Buckeye Road, S.E., 50-06/100 feet to the Northwesterly line of Tennyson Road, S.E. thence Southwesterly along said Northwesterly line of Tennyson Road, S.E., 63-42/100 feet; thence Northwesterly at right angles to the Northwesterly line of Tennyson Road, S.E., 50 feet to the Northwesterly line of Sublot No. 2; thence Northeasterly along said Northwesterly line of Sublot No. 2, 65-89/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 10. That any or each of the leases may authorize Miceli Lograsso Development Company III LLC to make improvements to, including but not limited to, redeveloping, landscaping, and maintaining the leased premises subject to the approval of

appropriate City agencies and officials.

Section 11. That any or each of the leases shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 12. That the Director of Community Development and the Director of Law, and other appropriate City officials, are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect this ordinance.

Section 13. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed September 26, 2011.
Effective October 4, 2011.

Ord. No. 1103-11.
By Council Member Cleveland.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3416 East 53rd Street to Cuyahoga Metropolitan Housing Authority.

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

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

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

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

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

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

P. P. No. 131-21-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 104 in Helsel, Hamm, Wagner and Wageman's Subdivision of a part of Original One Hundred Acre Lot Nos. 316, 320, 321, in said; City. Said Sublot No. 104 has a frontage of 30 feet on the Westerly side of Goethe Street (now East 53rd Street) and extends back of equal width 125 feet deep, as per plat of said Subdivision recorded in Volume 6 a Maps, Page 3 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance

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

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

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

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

Passed September 26, 2011.
Effective October 4, 2011.

Ord. No. 1104-11.
By Council Member Cummins.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3226 West 46th Street to Raed A. Farah and Samah Farah.

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

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

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

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

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

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

P. P. No. 016-13-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 119 in Diodate Clark Subdivision of

part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 of Maps, Page 19 of Cuyahoga County Records, and being 50 feet front on the Westerly side of West 46th Street (formerly Milford Street) and extending back of equal width 200 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed September 26, 2011.

Effective October 4, 2011.

Ord. No. 1109-11.

By Council Member Pruitt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 16321 Tarkington Avenue to John Graham Jr.

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

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

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is

authorized to sell the real property, more fully described below, to John Graham Jr.

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

P. P. No. 143-01-046

Situated in the Township of Warrensville, County of Cuyahoga and State of Ohio; and known as being Sublot No. 7 in J.J. Sheet's Lee Road Subdivision of part of Original Warrensville Township Lot No. 91 as shown by the recorded plat in Volume 87 of Maps, Page 35 of Cuyahoga County Records.

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

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

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

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

Passed September 26, 2011.

Effective October 4, 2011.

Ord. No. 1212-11.

By Council Member Sweeney (by departmental request).

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

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

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

Whereas, this ordinance constitutes

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

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

Section 1. That the Director of Finance is authorized to exercise the second option to renew Contract No. CT 1511 PS 2011-24 for an additional year in the approximate amount of \$479,904, with Verizon Wireless for the requirements for the additional year. This ordinance constitutes the additional legislative authority required by Ordinance No. 515-09 to exercise this option. (RL RQN 1511, RL 2011-44)

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

Passed September 26, 2011.

Effective October 4, 2011.

Ord. No. 1221-11.

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

An emergency ordinance to amend Ordinance No. 709-10, passed June 7, 2010, as amended, Ordinance No. 13-11, passed March 21, 2011, Ordinance No. 17-11, passed March 21, 2011, and Ordinance No. 700-11, passed June 6, 2011, to add Clean Ohio grant funds to the Warney-Swasey Building, John Hartness Brown Building, Key Gas Components Facility, and the Miceli's Dairy development projects.

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

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

Section 1. That the title and Section 1 of Ordinance No. 709-10, passed June 7, 2010, as amended by Ordinance No. 1567-10, passed December 6, 2010, are amended to read as follows:

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development or Clean Ohio Council, a grant in the amount up to \$2,000,000, from the

United States Department of Housing and Urban Development, two grants in the aggregate amount up to \$2,000,000 from Cuyahoga County, a grant in the amount up to \$1,000,000 from the Ohio Department of Development, a grant in the amount up to \$500,000 from the United States Environmental Protection Agency, a grant in the amount up to \$750,000 from the State of Ohio Clean Ohio Assistance Fund, and one or more grants from any public or private entity for the remediation and redevelopment of the former Warner-Swasey Building at 5701 Carnegie Avenue, to be used to implement the project as described in the executive summaries below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the executive summaries for the grants contained in the file described below.

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

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development or Clean Ohio Council, and one or more grants from any public or private entity for environmental assistance for proposed redevelopment of the John Hartness Brown Building at 1001-1101 Euclid Avenue; authorizing the director to enter into one or more contracts with JHB Hotel, LLC, or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site; and authorizing the director to employ one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

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

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

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development or Clean Ohio Council, and one or more grants from any public or private entity for environmental assistance for proposed redevelopment of the Key Gas Components Facility at 1966 East 66th Street, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

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

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of

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

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

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

Passed September 26, 2011.
Effective October 4, 2011.

Ord. No. 1223-11.

By Council Member Sweeney (by departmental request).

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

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

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

Whereas, the City desires to amend Contract No. 61386 further by increasing the authorized number of optional renewals to 14 successive one-year terms which would end in 2018, to obtain an enhancement automating human resources benefits administration, and to restructure payments to ADP through 2018; and

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

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

Section 1. That the Director of Finance is authorized to enter into a third amendment to the Agreement with ADP, Inc., City Contract No. 61386, as previously amended, to incorporate the above-mentioned increase in number of authorized optional renewal terms, provision of a human resources benefits administration automation enhancement, and restructured schedule of payments, which amendment, in detail, shall include terms and provisions:

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

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

3. To provide the Department of Human Resources the necessary licenses, software and services for an enhancement to automate human resources benefits administration, on the basis of ADP, Inc.'s September 9, 2011 proposal.

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

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

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

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

Passed September 26, 2011.
Effective October 4, 2011.

Ord. No. 1301-11.

By Council Member Reed.
An emergency ordinance naming the lot on the corner of Warner Road and Tioga Avenue in Ward 2 "Mill Creek Falls Family Park".

Whereas, the Connecticut Block Club has been working on the lot at the corner of Warner Road and Tioga Avenue in Ward 2 in an effort to make it into a City Park; and

Whereas, the Connecticut Block Club passed a motion to name the Park "Mill Creek Falls Family Park" in April 2011; and

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

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

Section 1. That the lot located on the corner of Warner Road and Tioga Avenue in Ward 2 be named "Mill Creek Falls Family Park", and that the Director of Parks, Recreation and Properties is authorized and directed to take the necessary action to assign said name and to post the proper signs at the park.

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

Passed September 19, 2011.
Effective October 4, 2011.

Ord. No. 1337-11.

By Council Member Sweeney.
An emergency ordinance to amend Section 113.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 663-66, passed April 4, 1966 relating to duties of the Clerk.

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 113.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 663-66 passed April 4, 1966 is hereby amended to read as follows:

Section 113.06 Duties of the Clerk

(a) The Clerk of Council shall keep an accurate and correct Journal of proceedings of Council and of each Council committee. The Clerk shall have the custody of all the laws and ordinances of the City, and shall edit, index and have bound annually copies of the City Record in such quantities as may be determined by the Clerk from time to time, and shall make the City Record and the Annual Index available electronically. The Clerk shall furnish all transcripts, orders and certificates called for by any person, and authenticate the same by the Clerk's official signature under the Clerk's seal.

(b) The Clerk shall, within two weeks after the passage of any ordinance by Council vacating, narrowing or altering any street or alley, inform the Cuyahoga County Fiscal Officer of the action of Council by mailing the County Fiscal Officer a certified copy of such ordinance. The Clerk shall furnish to the public library of the City, either in print or by electronic means, copies of all reports, Council proceedings or matters produced under authority of the City immediately upon their publication.

Section 2. That existing Section 113.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 663-66, passed April 4, 1966, is hereby repealed.

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

Passed September 26, 2011.
Effective October 4, 2011.

Ord. No. 1338-11.

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

An emergency ordinance approving the collective bargaining agreement with the Communication Workers of America (CWA), Local 4340.

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 division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Communication Workers of America (CWA), Local 4340, under the terms contained in File No. 1338-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

* Wage increases shall be effective as follows:

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

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

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

Passed September 26, 2011.
Effective October 4, 2011.

Ord. No. 1339-11.

By Council Members Cimperman, K. Johnson, Cleveland, Mitchell, Cummins, Zone, Brancatelli, Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for road and bridge improvements.

Whereas, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, under Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvements:

- 1. East 9th Street from Carnegie Avenue to North Marginal Road;
2. Woodland Avenue from Buckeye Road to Martin Luther King Jr. Drive;
3. Denison Avenue from Ridge Road to Fulton Road;

- 4. Cedar Avenue from East 55th Street to East 89th Street; and
5. Fleet Avenue from Broadway Avenue to I-77.

Section 2. That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for bridge and road improvements.

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

Passed September 26, 2011.
Effective September 26, 2011.

Cleveland, Dow, Keane, Polensek, Sweeney. Authorized Absence: K. Johnson, Pruitt.

2:00 p.m.

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

Wednesday, October 5, 2011
10:00 a.m.

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

1:30 p.m.

Public Utilities Committee: Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Miller, Polensek, Westbrook. Authorized Absence: Dow, Pruitt. Pro tempore: J. Johnson.

COUNCIL COMMITTEE MEETINGS

Monday, October 3, 2011
9:30 a.m.

Public Service Committee: Present: Miller, Chair; Cummins, Vice Chair;

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