

The City Record

Official Publication of the Council of the City of Cleveland



January the Ninth, Two Thousand and Thirteen

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name Residence	
1	Terrell H. Pruit16920 Throckley Avenue	44128
2	Zachary Reed3734 East 149th Street	44120
3	Joe CimpermanP.O. Box 91688	44101
4	Kenneth L. Johnson2948 Hampton Road	44120
5	Phyllis E. Cleveland2369 East 36th Street	44105
6	Mamie J. Mitchell12701 Shaker Boulevard, #712	44120
7	TJ Dow7715 Decker Avenue	44103
8	Jeffrey D. Johnson9024 Parkgate Avenue	44108
9	Kevin Conwell10647 Ashbury Avenue	44106
10	Eugene R. Miller13615 Kelso Avenue	44110
11	Michael D. Polensek17855 Brian Avenue	44119
12	Anthony Brancatelli6924 Ottawa Road	44105
13	Kevin J. Kelley5904 Parkridge Avenue	44144
14	Brian J. Cummins3104 Mapledale Avenue	44109
15	Matthew Zone1228 West 69th Street	44102
16	Jay Westbrook1278 West 103rd Street	44102
17	Dona Brady1272 West Boulevard	44102
18	Martin J. Sweeney3632 West 133rd Street	44111
19	Martin J. Keane15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – 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, Director, _____, Chief Counsel,
Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

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71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, JANUARY 9, 2013

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CITY COUNCIL

MONDAY, JANUARY 7, 2013

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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 7, 2013

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

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

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

Pursuant to Ordinance No. 2926-76, Council Members, Administration, Staff, and those in the audience rose for a moment of silent reflection and the Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 1-13.

December 28, 2012

Honorable Martin J. Sweeney,
Council President
Patricia J. Britt, Clerk of Council
Cleveland City Council
601 Lakeside Avenue 220
Cleveland, Ohio 44114

Dear Council President Sweeney and Clerk Britt:

Please consider this correspondence as notification that I will retire as Ward 4 Councilman, effective December 31, 2012.

With kindest regards,
Kenneth L. Johnson
Councilman, Ward 4

Received.

ELECTION TO FILL VACANCY IN WARD 4

After the Clerk read Communication File No. 1-13, the President of Council declared a vacancy in Ward 4.

Council Member Kelley nominated Kenneth L. Johnson to serve as Council Member representing Ward 4.

Council Member Westbrook seconded the nomination.

Council Member Cleveland moved that the nominations be closed.

Without objection, the nominations were closed. Thereupon, the President of Council instructed the Members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk of Council to call the roll upon the election of Council Member of Ward 4. Upon completion of the roll call, the Clerk announced that Kenneth L. Johnson received 13 votes. Those who voted for Kenneth L. Johnson were Council Members: Sweeney, Brancatelli, Cimperman, Cleveland, Conwell, Dow, J. Johnson, Keane, Kelley, Miller, Mitchell, Pruitt, and Westbrook. Those who voted nay were Council Members: Brady, Cummins, Polensek. Council Members Reed and Zone were absent.

The Chair declared Kenneth L. Johnson, having received the majority vote of all the Members elected to Council to be the duly elected Council Member of Ward 4.

The Council President requested the duly elected Member of Council and his family to the podium to have the oath of office administered by Judge Charles Patton. Council Member Kenneth Johnson took his seat in the Council Chambers, made brief remarks, and assumed the duties of the Council, representing Ward 4.

OATH OF OFFICE

File No. 36-13.

State of Ohio)
)SS.
County of Cuyahoga)

I, Kenneth L. Johnson, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of Ward 4 Councilman of the Council of the City of Cleveland, State of Ohio, during my continuance in said office.

Kenneth L. Johnson

Sworn to before me and subscribed in my presence on the 7th day of January, 2013.

Allan B. Dreyer
Notary Public, State of Ohio

COMMUNICATION

File No. 3-13.

December 18, 2012

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

Dear Mr. Dreyer:

You are requested by Cleveland City Council, without objection, to serve as Clerk of Council Pro Tempore for all matters requiring the Clerk's signature from December 21, 2012 to January 6, 2013.

Your assistance is appreciated.

Sincerely,
Martin J. Sweeney,
President Council

Received.

COMMUNICATIONS

File No. 2-13.

From Cuyahoga County Board of Elections. Certificate of Official Results for Cleveland Issue 119 — Proposed Charter Amendment for November 6, 2012 General Election. Received.

File No. 4-13.

From Cleveland Thermal, LLC. — Balance Sheet for years of 2010 and 2011, and Schedule of Major Capital Improvements. Received.

File No. 5-13.

From Sharon Dumas, Department of Finance, City of Cleveland — Notification of acceptance of a gift of a painting and frame restoration from Andrew and Judith Finger, and issuance of charitable tax receipt. Received.

File No. 29-13.

From Crowell Moring — End of Year Report for the 112th Congress-Federal Issues Important to Cleveland. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 6-13.

RE: #2403667 — C1, C2 Transfer of Ownership Application, East 185th Marathon, Inc., 1201 East 185th St. (Ward 11). Received.

File No. 7-13.

RE: #0576223 — D5, D6 Transfer of Ownership Application, Behrens Tavern Holding LLC, 1360 West 9th St. (Ward 3). Received.

File No. 8-13.

RE: #4419315 — D5 Transfer of Location Application, K.I.G. Inc., 1437 St. Clair Ave. (Ward 3). Received.

File No. 9-13.

RE: #7027284 — D1, D2, D3, D3A, D6 Transfer of Ownership Application, Porco Inc., 2527 West 25th St. (Ward 14). Received.

File No. 10-13.

RE: #6274623 — C1, C2 Transfer of Ownership Application, MYM Enterprises LLC, 4155 East 71st St. (Ward 12). Received.

File No. 11-13.

RE: #6430483 — C1, C2 Stock Ownership Change Application, Nishkam One LLC, 4677 West 130th St. (Ward 18). Received.

File No. 12-13.

RE: #3831908 — C1, C2, D6 Transfer of Ownership Application, High Point Deli Inc., 4915 Memphis Ave. (Ward 13). Received.

File No. 13-13.

RE: #3471690 — C1 New License Application, H.M.A.K. LLC, 6029 Superior Ave., 1268-72 East 61st St. (Ward 7). Received.

File No. 14-13.

RE: #65172421525 — C1 New License Application, Ohio CVS Stores LLC, 10825 Kinsman Rd. (Ward 6). Received.

File No. 15-13.

RE: #22348151420 — C1 New License Application, Dolgen Midwest LLC, 15707 St. Clair Ave. (Ward 11). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 37-13—Laura Sunderman.

Res. No. 38-13—Jean Keating.

Res. No. 39-13—Patrick J. Patton.

Res. No. 40-13—William R. Hills.

Res. No. 41-13—Edith Rebecca Bottoms.

Res. No. 42-13—Senora J. Etcherson Bickerstaff.

Res. No. 43-13—Gregory S. Thomas, Jr.

Res. No. 44-13—Annie L. Caldwell.

Res. No. 45-13—James L. Davis.

Res. No. 46-13—Johnnie Mae Reid Johnson Wylie.

Res. No. 47-13—Lucille B. Morris.

Res. No. 48-13—Mamie Coleman Giles.

Res. No. 49-13—Thomas A. Blake, Sr.

Res. No. 50-13—Capt. Jim Fryan (of the Goodtime III).

Res. No. 51-13—Robert J. Mason, Jr.

Res. No. 52-13—Daniel Marizette, Sr.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 53-13—Judge Jean Murrell Capers (100th Birthday).

Res. No. 54-13—Johnnie Lois Swanson.

Res. No. 55-13—Rev. Richard Jordan, Jr.

Res. No. 56-13—Kevin Cornell Rodgers.

Res. No. 57-13—Martin "Marty" Piszczak.

Res. No. 58-13—Thelma Donella Thomas.

Res. No. 59-13—Richard A. Ganim.

Res. No. 60-13—Carrie Hansen.

Res. No. 61-13—Gary Travis.

RECOGNITION RESOLUTION

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

Res. No. 62-13—Nikki Scarpitti.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 23-13.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Priority Dispatch for the acquisition of one or more ProQA software licenses and training for a Fire module dispatch system, including maintenance and technical support for a period of one year after the warranty on the software expires, for the Division of Fire, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with Priority Dispatch for the acquisition of one or more ProQA software licenses and training for a Fire module dispatch system, including maintenance and technical support for a period of one year after the warranty on the software expires, on the basis of its proposal dated November 26, 2012, in the total sum of \$159,040.00, for the Division of Fire, Department of Public Safety. The contract or contracts shall be paid from Fund No. 11 SF 006, RQS 6001, RL 2012-158.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take

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

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

Ord. No. 24-13.
By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 940-11, passed July 20, 2011, relating to the West 25th Street Lofts, LLC.

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 2 of Ordinance No. 940-11, passed July 20, 2011, is amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. **940-11-B**, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 2. That the existing Section 2 of Ordinance No. 940-11, passed July 20, 2011, 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 Economic Development, Capital Projects, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 26-13.
By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of safety equipment, consumables, and supplies for compliance with OSHA regulations and general safety standards, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of various types of safety equipment, consumables, and supplies for compliance with OSHA regulations and general safety standards, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities. Bids

shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2012-064)

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

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

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

Ord. No. 27-13.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing supplemental lease-purchase agreements, and other agreements relating to the lease-purchase of the Cleveland Stadium; approving supplemental trust agreements and the issuance of refunding certificates of participation or conversion and remarketing of variable rate certificates of participation; and authorizing and approving related matters.

Whereas, pursuant to Ordinance No. 305-96 passed by the Council of the City on March 8, 1996, and for the purpose of acquiring by lease-purchase the Cleveland Stadium, the City signed and delivered a Lease-Purchase Agreement dated as of June 1, 1997 (as amended and supplemented, the "Facility Lease") between the Cleveland-Cuyahoga County Port Authority (the "Authority"), as lessor, and the City, as lessee, and approved a Trust Agreement dated as of June 1, 1997 (as amended and supplemented, the "Trust Agreement"), between the Authority and U.S. Bank National Association, as trustee (the "Trustee"), pursuant to which the Trustee signed and delivered various series of Certificates (as defined in the Trust Agreement), each such series of Certificates evidencing proportionate interests in Base Rent (as defined in the Facility Lease) to be paid by the City pursuant to the Facility Lease; and

Whereas, under the Trust Agreement, Additional Certificates (as defined in the Trust Agreement) may, with the approval of the City, be issued to pay the cost of refunding Outstanding Certificates (as defined in Section 1); and

Whereas, this Council has determined to authorize the issuance of Additional Certificates ("Refunding Certificates") under the Trust Agreement, or the conversion of the interest rate on and remarketing of Outstanding Certificates, to refund or restructure Outstanding Certificates and corresponding Base Rent payments, as provided in this Ordinance; and

Whereas, this Ordinance constitutes an emergency measure providing for the refinancing of securities of the City and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the refunding and restructuring of Outstanding Certificates and related credit support, hedging arrangements and other agreements is necessary to enable the City to respond to market conditions on a timely basis to obtain debt service savings or to stabilize interest rates or to minimize risks of increased interest expense or increased risks, burdens, or other costs associated with hedging arrangements or credit support instruments in connection with the lease-purchase of the Cleveland Stadium, to mitigate burdensome schedules of Certificate Payments and corresponding Base Rent payments or to remove, avoid or mitigate unduly restrictive covenants or costs of funding or maintaining reserves; now, therefore,

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

Section 1. Definitions. In addition to the words and terms defined in the Existing Trust Agreement and Existing Facility Lease (as defined in this Section), the following words and terms shall have the following meanings unless the context or use indicates a contrary meaning or intention:

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby securities purchase agreement or other credit enhancement, support or liquidity device used to enhance or provide for the security or liquidity of any Certificates or any Hedge Agreements.

"Existing Facility Lease" means the Lease-Purchase Agreement dated as of June 1, 1997, as supplemented and amended by the First Supplemental Lease-Purchase Agreement dated as of September 15, 1999, the Second Supplemental Lease-Purchase Agreement dated as of December 1, 2001, the Amended and Restated Third Supplemental Lease-Purchase Agreement dated as of October 1, 2007, the Fourth Supplemental Lease-Purchase Agreement dated May 29, 2008, and the Fifth Supplemental Lease-Purchase Agreement dated as of April 1, 2010, each between the Authority, as lessor, and the City, as lessee.

"Existing Ground Lease" means the Ground Lease dated as of June 1, 1997, as supplemented and amended by the First Supplemental Ground Lease dated as of September 15, 1999, the Second Supplemental Ground Lease dated as of December 1, 2001, and the Third Supplemental Ground Lease dated as of April 1, 2010, each between the City, as lessor, and the Authority, as lessee.

"Existing Trust Agreement" means the Trust Agreement dated as of June 1, 1997, as supplemented and amended by the First Supplemental Trust Agreement dated as of September 15, 1999, the Second Supplemental Trust Agreement dated as of October 1, 2007, the Third Supplemental Trust Agreement dated May 29, 2008, and the Fourth Supplemental Trust

Agreement dated as of April 1, 2010, each between the Authority and the Trustee.

"Facility Lease" means the Existing Facility Lease, as to be supplemented and amended from time to time by a Supplemental Lease.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with any Certificates or any Hedge Agreements.

"Ground Lease" means the Existing Ground Lease, as to be supplemented and amended from time to time by a Supplemental Ground Lease.

"Hedge Agreement" has the meaning given in Section 3 of this Ordinance.

"Original Purchaser" means, with respect to each series of Refunding Certificates, the party or, collectively, parties identified as such in the Purchase Agreement for that series.

"Outstanding Certificates", as used in this Ordinance, means Certificates issued and outstanding from time to time under the Trust Agreement. On the date of introduction of this Ordinance, the Outstanding Certificates (and the respective principal amounts then currently outstanding) consisted of the following series of Certificates: Series 1999 (\$2,395,706.00); and Series 2010 (\$121,210,000.00).

"Purchase Agreement" means, with respect to the issuance of Refunding Certificates, the purchase agreement, commitment or other written agreement between the City and the Original Purchaser or a representative of that Original Purchaser setting forth the terms for the purchase by the Original Purchaser of those Refunding Certificates.

"Purchase Price" means, with respect to a series of Refunding Certificates, the amount specified in the Purchase Agreement for that series to be paid by the Original Purchaser for the purchase of those Refunding Certificates, provided that amount shall be not less than (i) 97% of the amount determined by adding to the aggregate principal amount of the Refunding Certificates any aggregate original issue premium and subtracting from that amount any aggregate original issue discount and any premium or other costs of any Credit Support Instrument purchased from the proceeds of the Refunding Certificates, plus (ii) any accrued interest on the Refunding Certificates from their date to the date of their delivery to the Original Purchaser.

"Refunded Certificates" means the Outstanding Certificates identified in a Supplemental Trust Agreement as the Certificates to be refunded with the proceeds of Refunding Certificates.

"Refunding Certificates" means the Certificates authorized by this Ordinance to be issued as Additional Certificates under the Trust Agreement in one or more series for the purpose of refunding one or more series of Outstanding Certificates or designated portions thereof.

"Series 1999 Certificates" means the Certificates of Participation, Series 1999 (Cleveland Stadium Project), issued under the Trust Agreement on September 29, 1999.

"Series 2010 Certificates" means the Refunding Certificates of Participation, Series 2010 (Cleveland Stadium Project), issued under the Trust Agreement on April 22, 2010.

"Supplemental Ground Lease" means each Supplemental Ground Lease, and any Amended and Restat-

ed Supplemental Ground Lease or Amended and Restated Ground Lease between the City and the Authority, delivered to supplement and amend the Ground Lease, in connection with the issuance of one or more series of Additional Certificates or the remarketing of any Outstanding Certificates or the contracting for or termination or replacement of any Hedge Agreement or Credit Support Instrument relating to any Certificates.

"Supplemental Lease" means each Supplemental Lease-Purchase Agreement, Amended and Restated Supplemental Lease-Purchase Agreement, or Amended and Restated Lease-Purchase Agreement between the Authority and the City, delivered to supplement and amend the Facility Lease, in connection with the issuance of one or more series of Additional Certificates or the remarketing of any Outstanding Certificates or the contracting for or termination or replacement of any Hedge Agreement or Credit Support Instrument relating to any Certificates.

"Supplemental Trust Agreement" means each Supplemental Trust Agreement, Amended and Restated Supplemental Trust Agreement, or Amended and Restated Trust Agreement between the Authority and the Trustee, delivered to supplement and amend the Trust Agreement, to provide for the security and terms of one or more series of Additional Certificates or the remarketing of any Outstanding Certificates or the contracting for or termination or replacement of any Hedge Agreement or Credit Support Instrument relating to any Certificates.

"Trust Agreement" means the Existing Trust Agreement, as to be supplemented and amended from time to time by a Supplemental Trust Agreement.

"Trustee" means the bank or trust company at the time serving as Trustee under the Trust Agreement, currently U.S. Bank National Association.

Section 2. Determinations by Council. This Council finds and determines as follows:

(a) **Public Purpose.** The acquisition, financing and refinancing by the City of the Cleveland Stadium pursuant to the Ground Lease, the Facility Lease and the Trust Agreement and the use of the Cleveland Stadium as a source of public relaxation and entertainment served and serves a proper public municipal purpose.

(b) **Supplemental Ground Lease, Supplemental Lease, Supplemental Trust Agreement and Refunding Certificates.** It is necessary, proper and in the best interest of the City to authorize one or more Supplemental Ground Leases, Supplemental Leases and Purchase Agreements and approve one or more Supplemental Trust Agreements and the issuance of Refunding Certificates in one or more series for the purpose of refunding one or more series of the Outstanding Certificates or designated portions thereof, (i) to obtain aggregate net present value savings in Certificate Payments and corresponding Base Rent payments of at least three percent (3%), (ii) that are short-term or variable-rate obligations and that the Director of Finance has determined, based on the written advice of a Financial Advisor, are subjecting the City to Base Rent payments the interest components of which include undesirably high rates of interest or undesirable fluctuations in rates of interest, or risks or expenses associated with hedging arrangements or

credit support instruments that can economically be avoided or mitigated through refinancing, or (iii) to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable Base Rent payment schedule or more favorable terms under credit support instruments.

Separate series of Refunding Certificates may be issued at the same or different times. A Purchase Agreement, Supplemental Lease and Supplemental Trust Agreement shall be delivered for each series and may be delivered for multiple series. A Supplemental Ground Lease shall be delivered for any series of Refunding Certificates with a final maturity later than the final maturity of the then Outstanding Certificates.

This Council finds and determines that the issuance of the Refunding Certificates and signing and delivery of Supplemental Ground Leases, Supplemental Leases and Purchase Agreements and approval of Supplemental Trust Agreements in connection with such issuance for the purpose provided in this Ordinance serves a proper, public, municipal purpose by reducing or stabilizing or minimizing risks of increasing the costs to the City of the lease-purchase of the Cleveland Stadium which is a source of public relaxation and entertainment for the people of the City of Cleveland.

(c) **Leased Premises.** The Council of the City found and determined at the time of the authorization of the Existing Facility Lease and approval of the Existing Trust Agreement and the Outstanding Certificates, and hereby reaffirms, that the Leased Premises are essential to the proper, efficient and economic operation of the City.

Section 3. Authorization of Hedging Arrangements. This Council finds that by engaging in interest rate hedging arrangements with respect to the Facility Lease and Certificates the City may reduce its financing costs by optimizing the relative amounts of fixed and variable rate obligations, or minimizing the risk of variations in its financing costs, or minimizing any risks, burdens or costs associated with existing hedging arrangements, or obtaining savings by confirming rates of interest on Certificates in advance of their issuance. To permit the City to have the flexibility to undertake, with respect to the Facility Lease and Certificates, interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement"), and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The terms of those Hedge Agreements may vary from the terms of any existing Hedge Agreements. The authorizations in this Section are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

The City's obligations under any Hedge Agreement shall be subject to appropriation and certification as provided in the Facility Lease. Those payments may be secured by the Facility Lease, to the extent permitted by the Trust Agreement, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge

Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to the Facility Lease or any Certificates issued or to be issued under the Trust Agreement, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that the term of each hedge transaction shall not exceed the final maturity of the Certificates to which the hedge relates.

The Director of Finance shall negotiate the terms of each Hedge Agreement. The City shall receive a written opinion of a Financial Advisor that the payments made or to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, considering, among other things, the credit of the City, the credit of the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, and whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument and, if so, the terms and conditions of such Credit Support Instrument. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is further authorized to enter into amendments or modification or novation of or to terminate in whole or in part any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment, modification, novation or termination. Any payments owed by the City upon such amendment, modification, novation or termination may be paid from the proceeds of Refunding Certificates or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose.

In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Facility Lease or the Trust Agreement in connection with any Hedge Agreement or any amendment, modification, novation or termination of any Hedge Agreement, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Lease and to signify approval

of the Supplemental Trust Agreement, approved as to form and correctness by the Director of Law. The Director of Finance is further authorized to develop, adopt and revise such policies and procedures as the Director of Finance reasonably concludes are necessary for the evaluation, incurrence, maintenance, monitoring, administration, legal compliance and reporting of any Hedge Agreements.

Section 4. Credit Support Instruments. The Director of Finance is authorized to contract from time to time for one or more Credit Support Instruments for any series of Outstanding Certificates or any Hedge Agreement if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in savings to the City, will stabilize interest rates or minimize the risk of increased interest expense or increased risks, burdens, or other costs associated with hedging arrangements or reserve requirements relating to those Certificates. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any such contract if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment, replacement, assignment or termination. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Ground Lease, Facility Lease or the Trust Agreement in order to permit the use of or to amend, replace, assign or terminate a Credit Support Instrument, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Ground Lease or a Supplemental Lease or both and to signify approval of the Supplemental Trust Agreement, approved as to form and correctness by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Credit Support Instrument, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement or the remarketing agent in accordance with a remarketing agreement, shall be paid from the proceeds of Refunding Certificates or the proceeds of remarketing or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. Refunding of Certificates; Escrow Agreements. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, one or more escrow agreements between the City and the Trustee, as escrow trustee, providing for, among other matters: the investment and holding in escrow of the proceeds of Refunding Certificates to be applied to the refunding of Refunded Certificates; the application of the moneys derived from those investments to the payment of the Certificate Payments on Refunded Certificates, and the irrevocable call for redemption of Refunded Certificates to be called for redemption prior to maturity. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to each escrow agreement from proceeds of Refunding Certificates to the extent available and then from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully avail-

able and appropriated or to be appropriated for that purpose, as determined by the Director of Finance. Provision shall be made in each escrow agreement to give the Trustee any written notice of redemption required under the Trust Agreement. The Director of Finance and other City officials, as appropriate under the Charter, shall sign all documents and take all other actions necessary or appropriate on the part of the City to effect each such refunding in accordance with the Trust Agreement and to cause the Refunded Certificates to be deemed paid and discharged, including without limitation, the retention of an independent public accounting firm to verify the mathematical accuracy of the calculations relating to the escrow. Upon the issuance and delivery of a series of Refunding Certificates, the Trustee and the City are authorized to disburse from the Funds established and maintained under the Trust Agreement such amounts of moneys as are in excess of the balances required by the Trust Agreement to then be maintained in those Funds. The Director of Finance is authorized to give written notice to the Trustee of the call for redemption of the Refunded Certificates on the earliest redemption date following the issuance of the Refunding Certificates, pursuant to the Trust Agreement and the applicable escrow agreement.

Section 6. Determination of Base Rent and Terms of Refunding Certificates; Application of Proceeds.

(a) Principal Components and Term. Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is in furtherance of one or more of the purposes set forth in Section 2(b) of this Ordinance that one or more series of Refunding Certificates be issued to refund Outstanding Certificates, the Director of Finance is authorized to negotiate and provide for the terms of the Refunding Certificates and the Base Rent, as amended pursuant to a Supplemental Lease, including the final Lease Term, and the annual and aggregate principal components of Base Rent. The principal amount of each series of Refunding Certificates and the corresponding principal component of Base Rent is to be the amount set forth in the Purchase Agreement for that series and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to pay the costs of refunding the Refunded Certificates, (ii) to fund any reserves required under the Trust Agreement, (iii) to pay costs of any Credit Support Instruments, (iv) to pay identified amounts owed under Hedge Agreements, (v) to pay interest on the Refunding Certificates, and (vi) to pay costs of issuing the Refunding Certificates. The Refunding Certificates of each series shall mature on the dates and in the respective principal amounts set forth in the Purchase Agreement for that series, consistent with this Ordinance and the Trust Agreement.

(b) Interest. The Refunding Certificates may be issued as obligations bearing interest at fixed or variable interest rates, based on the determination of the Director of Finance as to the financial advantage to, and best interests of, the City, as specified in the Purchase Agreement. If the Director of Finance so determines that Refunding Certificates shall be issued as obligations bearing interest at variable rates, then the method and

procedure by which the variable rate of interest to be borne by the Refunding Certificates are to be determined (whether by reference to a market index, by a remarketing agent or otherwise) shall be set forth in the applicable Supplemental Trust Agreement; provided that no Refunding Certificates shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Certificate held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Refunding Certificates may or may not permit the holders to tender their variable rate Refunding Certificates for purchase by the City. If the Director of Finance designates any series of Refunding Certificates as variable rate Certificates, and if the holders of that series of Refunding Certificates are to be entitled to tender those Certificates for purchase, then the Director of Finance shall also designate in the Purchase Agreement for those variable rate Certificates (and may designate others, from time to time, in substitution thereof), the tender agent or agents (which may be the Trustee) and the remarketing agent or agents (which may be an Original Purchaser), which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements with others in connection with the delivery of the Refunding Certificates, and from time to time thereafter so long as the Refunding Certificates are outstanding, as may be determined by the Director of Finance to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Refunding Certificates, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Refunding Certificates are outstanding, supplementing or amending the applicable Supplemental Trust Agreement for a series of Refunding Certificates as provided in Section 9. The Director of Finance is authorized to pay any fees associated with agreements entered into or terminated pursuant to this Section from proceeds of Refunding Certificates, to the extent permitted by the Trust Agreement or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose.

(c) Optional and Mandatory Redemption. The Refunding Certificates of each series, and the corresponding principal component of Base Rent, may be subject to redemption prior to maturity at the option of

the City, if and to the extent set forth in the Purchase Agreement for that series. Any Refunding Certificates so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices set forth in the Purchase Agreement and in accordance with the applicable Supplemental Trust Agreement. Refunding Certificates that are subject to optional redemption may be subject to purchase by the City in lieu of optional redemption to the extent provided in the applicable Supplemental Trust Agreement. The Refunding Certificates designated in the Purchase Agreement as term Certificates subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each mandatory redemption date designated in the Purchase Agreement in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date, all as provided in the Purchase Agreement and in accordance with the Supplemental Trust Agreement.

(d) Credit Support and Other Instruments. The Director of Finance, regardless of whether a series of Refunding Certificates bears interest at variable or fixed rates, is authorized to contract for one or more Credit Support Instruments, if the Director of Finance determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in a savings in the cost of the financing to the City. The costs of such Credit Support Instruments may be paid from proceeds of Refunding Certificates or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose, as determined by the Director of Finance.

(e) Base Rent. The City acknowledges that the aggregate principal amount of Outstanding Certificates shall be based on the aggregate principal component of Base Rent under the Facility Lease and that the interest on the Certificates shall be based on the interest components of Base Rent. The Base Rent to be payable under and in accordance with the Facility Lease during any Lease Term shall be an amount sufficient to cover the amount of Certificate Payments on the Outstanding Certificates that are due and payable during that Lease Term, and such Base Rent shall be specified or determined in an exhibit to the Facility Lease; provided, however, that the City's payment of Base Rent and Additional Rent is Subject to Appropriation and Certification as provided in the Facility Lease and nothing in the Facility Lease, the Certificates, the Trust Agreement, or any Hedge Agreement constitutes or shall constitute a pledge by the City, or an obligation of the City, of any taxes or other moneys to the payments due thereunder.

(f) Primary Offering Disclosure. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, a disclosure document is appropriate relating to the initial offering of one or more series of Refunding Certificates, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supple-

ments to, such a disclosure document, (ii) determine, and certify or otherwise represent when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the applicable series of Refunding Certificates, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy and completeness of that disclosure document. The Director of Finance is authorized to contract for services for the production and distribution of any disclosure statements, including by printed and electronic means.

(g) Continuing Disclosure. If and to the extent required by Rule 15c2-12 promulgated by the Securities and Exchange Commission ("SEC") or by a Purchase Agreement in connection with the sale of one or more series of Refunding Certificates or by a remarketing agreement in connection with remarketed Certificates, then, for the benefit of the holders and beneficial owners from time to time of the Refunding Certificates, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule"). For that purpose, the Director of Finance is authorized on behalf of the City to sign and deliver continuing disclosure agreements, approved as to form and correctness by the Director of Law, between the City and the Trustee. The Director of Finance is authorized to sign and deliver any related agreements, certificates and other instruments, and to establish procedures in order to ensure compliance by the City with its continuing disclosure agreements, including timely provision of information and notices as described above. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

(h) Application for Ratings. If, in the judgment of the Director of Finance, the filing of applications for one or more ratings on Refunding Certificates by one or more nationally-recognized rating agencies is necessary or desirable for marketing purposes, the Director of Finance is authorized to prepare and submit those applications, and to provide information as may be required in support of those applications for the purpose. The cost of obtaining each such rating, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Refunding Certificates to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

(i) Application of Proceeds; Costs of Issuance. The proceeds from the sale of the Refunding Certificates shall be deposited and applied as provided in the Supplemental Indenture and for the purposes stated in this Ordinance and are appropriated for those purposes. Costs of issuing the Refunding Certificates that are not paid from those proceeds may be paid from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose, as determined by the Director of Finance.

Section 7. Sale of the Refunding Certificates; Purchase Agreements. The Director of Finance may sign and deliver one or more Purchase Agreements for Refunding Certificates setting forth the conditions for delivery of the Refunding Certificates that are consistent with this Ordinance and the Trust Agreement and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for lease certificates of participation issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the disclosure document described in Section 6 of this Ordinance. The Purchase Agreement shall provide for the sale of the applicable series of Refunding Certificates to the Original Purchaser selected by the Director of Finance and identified in the Purchase Agreement, based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Certificates or the terms upon which the Original Purchaser has agreed to purchase the Refunding Certificates.

Each Purchase Agreement shall set forth the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Trust Agreement:

(a) the aggregate principal amount of Refunding Certificates issued;

(b) the Purchase Price for the Refunding Certificates;

(c) whether any Refunding Certificates are to be subject to optional redemption prior to maturity, and, if so, the earliest optional redemption date for those Refunding Certificates subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable series, and the applicable redemption price, which shall be not greater than 102% of the principal amount redeemed;

(d) the dates on which principal of the Refunding Certificates is to be paid, which shall be not later than thirty-five (35) years from their respective dates of issuance, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of Refunding Certificates of a particular maturity;

(e) the interest rates to be borne by Refunding Certificates bearing interest at a fixed rate, the weighted average of which shall not exceed eight percent (8%) as to Refunding Certificates of any series, and the method by which the interest rate is to be determined for Refunding Certificates bearing interest at variable rates, consistent with Section 6;

(f) the particular Outstanding Certificates or portions thereof to be Refunded Certificates;

(g) the title and series designation for the Refunding Certificates;

(h) the amount, if any, and source of any money to be deposited in the Reserve Account in order to cause the balance therein to equal the Reserve Requirement, if and to the extent required by the applicable Supplemental Trust Agreement, and any determination as to whether there shall be a special reserve fund for the Refunding Certificates of any series, separate from the common Reserve Account, or a surety or insurance policy, bank letter or line of credit, or other form of credit or liquidity facility enhancing the security for Refunding Certificates of that series in lieu of a funded reserve fund;

(i) whether any Refunding Certificates are to be secured by or payable from a Credit Support Instrument.

It is determined that the terms of the Refunding Certificates and the corresponding terms of Base Rent as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Purchase Agreement will be in the best interest of the City and consistent with all legal requirements.

Section 8. Remarketing. In the event that the Director of Finance determines, based on the written advice of a Financial Advisor, that it is advantageous to the City to convert the interest on any Outstanding Certificates bearing interest at variable rates to fixed interest rates for a period of time or to maturity or to convert the interest on any Outstanding Certificates or Refunding Certificates to a different variable rate period or mode, or to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any Outstanding Certificates under the Trust Agreement (such conversion or other actions and the tender and remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing of those Certificates in accordance with the Trust Agreement. In connection with any remarketing of Certificates, the Director of Finance is authorized to take such actions as the Director determines, based on the written advice of a Financial Advisor, will facilitate the remarketing of the Certificates or otherwise be in the best interests of the City, including without limitation, obtaining one or more Credit Support Instruments, terminating any Credit Support Instrument, and entering into agreements with one or more purchasers for their direct purchase of the remarketed Certificates in lieu of a public offering of the Refunding Certificates by a remarketing agent. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary in connection with the remarketing to supplement or amend the Facility Lease, the Ground Lease or the Trust Agreement in order to address current market conditions or to permit the use of or to terminate a Credit Support Instrument or to otherwise obtain financing arrangements advantageous to the City, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Lease and a Supplemental Ground Lease and to signify approval of the Supplemental Trust Agreement, approved as to form and correctness by the Director of Law.

The Director of Finance is further authorized to satisfy any special reserve fund requirement for any series of Certificates then Outstanding under the Trust Agreement by the deposit of a Credit Support Instrument in lieu of cash, as permitted and more specifically provided in the Trust Agreement, and to apply cash released from such special reserve fund to the payment of costs of remarketing. To the extent the costs of remarketing are not paid from any cash released from such special reserve fund, those costs may be paid, as determined by the Director of Finance, from the proceeds of remarketing or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose.

The Director of Finance is authorized to prepare one or more disclosure documents in connection with any remarketing under the same terms and conditions as set forth in Section 6 of this Ordinance with respect to the issuance of Refunding Certificates. The Director of Finance or other officer of the City, as appropriate under the Charter, is authorized to take such actions or cause to be taken such actions as are necessary to obtain and maintain the desired tax status of any Outstanding Certificates, and the covenants and authorizations in Section 10 of this Ordinance shall apply to any converted Certificates. The Director of Finance and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Director of Finance, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the remarketing of Certificates and to take all actions necessary to effect the remarketing of Certificates under the terms of this Ordinance, the Facility Lease and the Trust Agreement. The Clerk of Council or other official of the City, as appropriate under the Charter, shall furnish the Trustee a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the remarketing of Certificates along with such information for the records as is necessary to determine the validity of the remarketing.

Section 9. Authorization of Supplemental Ground Leases, Supplemental Leases and Supplemental Trust Agreements; Additional Documents. In connection with the issuance of any series of Refunding Certificates, the Mayor and the Director of Finance are authorized, in the name and on behalf of the City, to sign and deliver one or more Supplemental Leases and, if necessary or appropriate in connection with that issuance, one or more Supplemental Ground Leases, and to signify approval of one or more Supplemental Trust Agreements, approved as to form and correctness by the Director of Law, and not inconsistent with this Ordinance and the Purchase Agreement. The determination by those officers that a Supplemental Lease, Supplemental Ground Lease or Supplemental Trust Agreement is not inconsistent with this Ordinance shall be conclusively evidenced by the signing and delivery of that Supplemental Lease, Supplemental Ground Lease or Supplemental Trust Agreement by those officers. Subject to the Facility Lease as theretofore amended, any Supplemental Lease may contain amendments to the Facility Lease, as theretofore amended, and, subject to the Trust Agreement as theretofore amended, any Supplemental Trust Agreement may contain amendments to the Trust Agreement, as theretofore amended, to permit the City increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City. The Director of Finance is authorized to sign and deliver a continuing covenant agreement or similar agreement with an Original Purchaser in connection with its direct purchase of Refunding Certificates in

lieu of a public offering of Refunding Certificates, based on the written advice of a Financial Advisor that entering into such agreement is in the best interests of the City.

The Mayor, the Director of Finance, the Clerk, the Director of Law and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Purchase Agreements, the Supplemental Ground Leases, the Supplemental Leases, the Supplemental Trust Agreements, the Ground Lease, the Facility Lease, the Trust Agreement, the escrow agreements and the Hedge Agreements.

The Mayor, the Director of Finance, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each series of Refunding Certificates to the Original Purchaser and to take all actions necessary to effect due signing, authentication and delivery of each series of Refunding Certificates under the terms of this Ordinance, the Supplemental Leases, the Supplemental Ground Leases, the Supplemental Trust Agreements, the Purchase Agreements and the Trust Agreement. The Clerk of Council or other official of the City, as appropriate under the Charter, shall furnish the Original Purchaser a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Refunding Certificates along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Refunding Certificates.

Section 10. Tax Covenants. Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that all or a portion of a series of Refunding Certificates or remarketed Certificates be issued or remarketed as obligations the interest on which is excluded from gross income for federal income tax purposes or as obligations that provide for federal tax credits to the holders or issuers thereof, the Director of Finance, as the fiscal officer, or any other officer having responsibility for the issuance of Refunding Certificates or remarketing of Certificates, is, alone or in conjunction with any of the foregoing or with any other officer or employee of the City, authorized to cooperate with the Original Purchaser or remarketing agent and the Trustee by making, on behalf of the City, such covenants and representations in the Facility Lease as are appropriate and necessary to achieve and maintain the desired tax treatment or status of the Facility Lease and the Certificates.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for the issuance of Refunding Certificates or remarketing of Certificates is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Facility Lease and the Certificates as the City is permitted to or required to make or give under the federal income tax laws for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Facility Lease and the Certificates or the interest compo-

nents thereof or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Facility Lease and the Certificates, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript for the Certificates, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds from the sale of the Certificates, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax status of the Facility Lease and the Certificates.

The City hereby covenants it will take or cause to be taken such actions that may be required of it for the interest components of Base Rent and interest on the Certificates to achieve and maintain the intended treatment and status for federal income tax purposes and that it will not take or authorize to be taken any actions that would adversely affect that treatment and status.

Each covenant made pursuant to this Section with respect to a series of Certificates is also made with respect to all issues any portion of the principal or of interest on which is paid from proceeds of that series of Certificates (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the tax status of the Certificates of that series, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Certificates of that series.

Section 11. Financial Advisor. The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 12. Appointment of Successor Trustee. The Director of Finance is authorized to appoint a successor Trustee in the event that the current Trustee, U.S. Bank, National Association, shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Trust Agreement, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the Trust Agreement.

Section 13. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the

scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 14. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Certificates or matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, certificates of indebtedness, other obligations, indentures, or other agreements or contracts made or entered into by the City.

Section 15. Validity. This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City's Charter and the rules of this Council.

Section 16. Severability. Each section of this Ordinance and each subdivision or paragraph of any section is hereby declared to be independent, and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

Section 17. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 18. Sunset of Authorization. The authority granted by this Ordinance shall expire three years from the effective date of this Ordinance. If a Purchase Agreement for Refunding Certificates or agreement for the purchase of remarketed Certificates is entered into or a preliminary disclosure document is distributed with respect to Refunding Certificates or remarketed Certificates under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to those Refunding Certificates or remarketed Certificates. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Certificates or conversion and remarketing of Certificates under the authority of this Ordinance.

Section 19. Refinancing. This Council finds and determines that this is an Ordinance providing for the refinancing of bonds, notes or other securities of the City within the meaning of Section 64 of the City Charter.

Section 20. Emergency. This Ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 28-13.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants for sustainable operation and optimization relating to acquiring energy management, engineering, technical and troubleshooting services to help execute an energy management plan for a period of one year with two one-year options to renew.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more con-

sultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to acquire energy management, engineering, technical and troubleshooting services to help execute an energy management plan, for a period of one year with two one-year options to renew.

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

shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, RQS 2002, RL 2012-141.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 25-13.

By Council Member Westbrook.

An ordinance changing the Use and Height Districts of lands on the north and south sides of Lorain Avenue between West Boulevard and W. 94th Street shown shaded on the attached map to Local Retail Business and a '2' Height District (Map Change No. 2428).

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

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

Beginning in the centerline of West Boulevard at its intersection with the centerline of Lorain Rd.;

Thence northwesterly along said centerline of West Boulevard to its intersection with the southwesterly prolongation of the northerly line of Regina Avenue;

Thence northeasterly along said northerly line of Regina Avenue through its intersection with the centerline of W. 101 Street to its intersection with the westerly line of the Wensink Subdivision shown on the recorded plat in Volume 23, Page 1 of Cuyahoga County Map Records, said westerly line also being known as the southerly prolongation of the westerly line of Cuyahoga County's Permanent Parcel Number 005-19-058;

Thence northerly along said westerly line to its intersection with the southerly line of Sublot No. 4 in the aforementioned Wensink Subdivision; said parcel also being known as Cuyahoga County's Permanent Parcel Number 005-19-058;

Thence easterly along said southerly line and along its easterly prolongation to its intersection with the centerline of W. 100th Street;

Thence southerly along said centerline of W. 100 Street and along its southerly prolongation to its intersection with the centerline of Lorain Rd.;

Thence northeasterly along said centerline of Lorain Rd. to its intersection with the southerly prolongation of the centerline of W. 96th Street;

Thence northerly along said prolongation and said centerline of W. 96th Street to its intersection with the westerly prolongation of the centerline of Sommer Court;

Thence easterly along said westerly prolongation and said centerline and continuing along its easterly prolongation to its intersection with the centerline of W. 95th Street;

Thence southerly along said centerline of W. 95th Street and along its southerly prolongation to its intersection with the centerline of Lorain Rd.;

Thence northeasterly along said centerline of Lorain Rd. to its intersection with the northerly prolongation of the centerline of W. 94 Street;

Thence southerly along said northerly prolongation of said centerline to its intersection with the easterly prolongation of the centerline of Henley Avenue;

Thence southwestly along said easterly prolongation of said centerline to its intersection with the centerline of W. 95th Street;

Thence northerly along said centerline of W. 95th Street and along its northerly prolongation to its intersection with the centerline of Lorain Rd.;

Thence southwestly along said centerline of Lorain Rd. to its intersection with the northerly prolongation of the centerline of W. 99th Street;

Thence southerly along said centerline of W. 99th Street to its intersection with the easterly prolongation of the centerline of Henley Avenue;

Thence westerly along said centerline of Henley Avenue and along its westerly prolongation to its intersection with the southeasterly line of Sublot No. 7 in the Anna L. Weitz Subdivision shown on the recorded plat in Volume 23, Page 21 of Cuyahoga County Map Records; said parcel also being known as part of Cuyahoga County's Permanent Parcel Number 017-01-007;

Thence south westerly along said southeasterly line to its intersection with the southerly line thereof;

Thence westerly along said southerly line to its intersection with the easterly line of Sublot No. 8 in the aforementioned Anna L. Weitz Subdivision, said line also being known as the easterly line of Cuyahoga County's Permanent Parcel Number 017-01-006;

Thence southerly along said easterly line to its intersection with the southerly line thereof;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the westerly line of Sublot No. 10 in the aforementioned Anna L. Weitz Subdivision (PPN 017-01-005);

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Denison Avenue;

Thence northwesterly along said centerline of Denison Avenue to its intersection with the northerly prolongation of the easterly line of the Lorain St. and Denison Av. Land Co. Subdivision shown on the recorded plat in Volume 31, Page 3 of Cuyahoga County Map Records (PPN 017-09-002);

Thence southerly along said northerly prolongation and said easterly line to its intersection with the southerly line thereof;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of West Boulevard;

Thence northerly along said centerline of West Boulevard to its intersection with the centerline of Lorain Rd. and the principal place of beginning.

and as identified on the attached map is changed to a Local Retail Business District and a '2' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2428 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Shaded area to be rezoned from GR-C2 to LR-C2
Map Change No. 2428

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

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

Ord. No. 20-13.

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

An emergency ordinance to amend Ordinance No. 1642-12, passed December 3, 2012, relating to Day Care Center fees, applications, inspections and contagious disease notification, to repeal existing Sections 227.03, 227.04, 227.05, 227.33, 227.34 and 227.35.

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 Ordinance No. 1642-12, passed December 3, 2012, is amended to read as follows:

Section 1a. That existing Sections 227.03, 227.04, 227.05, 227.33, 227.34 and 227.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 924-09, passed August 5, 2009, are repealed.

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

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

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

Ord. No. 21-13.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with GDS Associates, Inc. for professional services necessary for resource beneficial use analysis and power supply plan for the Division of Cleveland Public Power.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with GDS Associates, Inc. for professional services necessary for resource beneficial use analysis and power supply plan for the Division of Cleveland Public Power on the basis of its proposal dated December 12, 2012, for the Department of Public Utilities. The contract or contracts shall be paid from Fund No. 58 SF 001, Request No. RQN 2005, RL 2012-069.

Section 2. That the contract or contracts shall be prepared by the Director of Law and shall contain such terms and conditions as the Director deems necessary, including a provision requiring the contractor to comply with federal equal employment opportunity ("EEO") standards.

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.

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

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

Ord. No. 22-13.

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

An emergency ordinance giving final consent of the City of Cleveland to the State of Ohio for the rehabilitation of the Harvard Avenue bridge over Wheeling & Lake Erie Railroad Company railroad just west of East 103rd Street; authorizing the Director of Capital Projects to enter into contracts with the State of Ohio; and causing payment to the State of Ohio for the City's share of the improvement.

Whereas, under Ordinance No. 745-11, passed August 17, 2011, this Council authorized the City of Cleveland to cooperate with the Director of Transportation for the rehabilitation of the Harvard Avenue bridge over Wheeling & Lake Erie Railway Company railroad just west of East 103rd Street (the "Improvement"); and

Whereas, the City shall cooperate with the Ohio Director of Transportation in the above described project by assuming and bearing one hundred percent (100%) of the entire cost of the Improvement, less the amount of Federal-aid NOACA funds set aside by the Director of Transportation for the financing of this Improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State, and

Whereas, the share of the City's cost of the Improvement is now estimated to be \$484,184.00, but may be adjusted when the percentages of actual costs are determined; and

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

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

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

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

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

Section 2. That the Director of Capital Projects is authorized to enter into contracts with the State and/or their pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the Improvement. Upon the request of ODOT, the Director of Capital Projects is also empowered to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 3. (a) That the City shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(b) The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the Improvement and that the utility removals and/or relocations shall be approved by the State and performed in accordance with the provisions of the ODOT Construction and materials Specifications.

Section 4. That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

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

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way.

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Regulate parking in accordance with Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 6. That this Council is authorized to cause payment to the State of the City's share of the Improvement, payable from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 52 SF 001 and 54 SF 001, RQS 0103, RL 2012-194.

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

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

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

Ord. No. 30-13.

By Council Member Westbrook.

An emergency ordinance to amend Section 1 of Ordinance No. 1651-12, passed November 19, 2012 that authorizes the Clerk of Council to enter into an agreement with Cobalt Group, Inc. for the professional services necessary to provide for implementation of an operations and sustainability plan for Cleveland City Council.

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

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

Section 1. That Section 1 of Ordinance No. 1651-12, passed November 19, 2012 is amended to read as follows:

Section 1. That the **Council President** is authorized to enter into an agreement with Cobalt Group, Inc. ("Consultant") for the professional services necessary to provide for the implementation of an operations and sustainability plan for Cleveland City Council, including the services set forth in Consultant's 2013 Statement of Work and those services as may be directed by the Clerk of Council or her designee. This agreement shall be entered into as of January 1, 2013 and shall be for a term of one year, concluding December 31, 2013.

The agreement shall be certified in an amount not to exceed **\$66,000.00** from fund 01, dept. 0101, subfund 001, and object code 6320.

Section 2. That the existing Section 1 of Ordinance No. 1651-12, passed November 19, 2012 is 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.

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

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

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

Res. No. 16-13.

By Council Member Zone.

An emergency resolution declaring this Council's support of the proposal of Detroit Shoreway Community Development Organization to the Ohio Housing Finance Agency for the use of low-income housing tax credits for new construction of Aspen Place apartments on Lorain Avenue.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Detroit Shoreway Community Development Organization is proposing to construct 34 affordable apartments in a three story mixed-use building located on Lorain Avenue at West 61st Street, Cleveland, Ohio; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 30% of the area median income; and

Whereas, the Detroit Shoreway Community Development Organization's proposal will include retail on the ground floor and will be built on vacant land currently owned by the Greater Cleveland Regional Transit Authority, within the nationally renowned EcoVillage and will serve as a prime example of transit-oriented development and spur additional private investment along Lorain Avenue; 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 hereby declares its support of the proposal of Detroit Shoreway Community Development Organization to the Ohio Housing Finance Agency for the use of low-income housing tax credits for new construction of Aspen Place apartments on Lorain Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Director of the Detroit Shoreway Community Development Organization.

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

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

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

Res. No. 17-13.

By Council Member Zone.

An emergency resolution declaring this Council's support of the proposal of Detroit Shoreway Community Development Organization to the Ohio Housing Finance Agency for the use of low-income housing tax credits for the preservation of three apartment buildings on Detroit Avenue in Cleveland, Ohio.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Detroit Shoreway Community Development Organization is proposing to preserve and rehabilitate 45 units of affordable housing in 3 separate apartment buildings located on Detroit Avenue: the Kennedy Building at 6425 Detroit Avenue; Muirville Apartments at 8001-05 Detroit Avenue; and Detroit Chateau at 7918 Detroit Avenue; and; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 50% of these housing units will be affordable to households whose annual income is at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 30% of the area median income; and

Whereas, the Detroit Shoreway Community Development Organization's proposal will make major capital improvements to the buildings and each unit will receive approximately \$50,000 worth of improvements; 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 hereby declares its support of the proposal of Detroit Shoreway Community Development Organization to the Ohio Housing Finance Agency for the use of low-income housing tax credits for the preservation of three apartment buildings on Detroit Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Director of the Detroit Shoreway Community Development Organization.

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

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

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

Res. No. 18-13.

By Council Member Zone.

An emergency resolution declaring this Council's support of the proposal of Detroit Shoreway Community Development Organization to the Ohio Housing Finance Agency for the use of low-income housing tax credits for rehabilitation of the Templin-Bradley Company building at 5700 Detroit Avenue.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Detroit Shoreway Community Development Organization is proposing to rehabilitate and adapt the Templin-Bradley Company building which is a vacant warehousing facility, into 30 mixed-income housing units at 5700 Detroit Avenue, Cleveland, Ohio; and

Whereas, 10% of the units will be affordable to individuals or families whose incomes are at or below 30% of the area median income; and

Whereas, 10% of the units will be affordable to individuals or families whose incomes are at or below 35% of the area median income; and

Whereas, 30% of the units will be affordable to individuals or families whose incomes are at or below 60% if the area median income; and

Whereas, 50% of the units will be market rate; and

Whereas, the Detroit Shoreway Community Development Organization's proposal is a 7.75 million dollar proposal that will preserve the historic structure and provide a much needed anchor at the eastern gateway of the Gordon Square Arts District; 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 hereby declares its support of the proposal of Detroit Shoreway Community Development Organization to the Ohio Housing Finance Agency for the use of low-income housing tax credits for rehabilitation of the Templin-Bradley Company building at 5700 Detroit Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Director of the Detroit Shoreway Community Development Organization.

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

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

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

Res. No. 19-13.

By Council Member Brancatelli.

An emergency resolution declaring this Council's support of the Cleveland Housing Network Inc.'s application to the Ohio Housing Finance Agency for low-income housing tax credits for the Slavic Village Green Homes I project.

Whereas, each year the Ohio Housing Finance Agency allocates low-income housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Cleveland City Council has recognized the need to maintain affordable housing in Cleveland's neighborhoods; and

Whereas, Slavic Village Green Homes I will consist of a mix of substantially rehabilitated single-family homes and the construction of new single family homes in the Slavic Village neighborhood, which is one of the six Strategic Investment Initiative areas; and

Whereas, the Slavic Village Green Homes I project will strengthen and support the existing housing investment within the Slavic Village neighborhood, including Opportunity Housing, a for-sale market rate project, Cleveland Green Homes, Cleveland Green Homes East, Cleveland Green Homes II, Cleveland NSP Homes I, and Cleveland Green Homes III; and

Whereas, Slavic Village is nationally recognized as the epicenter of the national home mortgage foreclosure crisis that continues to hit Ohio, and in particular, the City of Cleveland; and

Whereas, working together for over 30 years, Cleveland Housing Network, Inc. and its non-profit development partners and the City of Cleveland have demonstrated the ability to use tax credits to leverage local resources and complete successful projects that meet community development objectives concerning vacant properties and provide needed affordable housing to low-income families; and

Whereas, in the current environment of large numbers of vacant single family homes, a weak homeownership market, and an increasing poverty rate, this tool is needed more than ever; and

Whereas, Cleveland City Council remains committed to a continued partnership with the Cleveland Housing Network Inc. and the development of Slavic Village Green Homes I project, as we work together to address the foreclosure crisis and meet the needs of our low income families for decent affordable housing; and

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

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

Section 1. That this Council supports Cleveland Housing Network Inc.'s application to the Ohio Housing Finance Agency for low-income housing tax credits for the Slavic Village Green Homes I project.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Robert S. Curry, Executive Director, Cleveland Housing Network, Inc.

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

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

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

Res. No. 31-13.

By Council Member Polensek.

An emergency resolution objecting to a New C1 Liquor Permit at 15707 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General Store #13729, 15707 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 22348151420; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General Store #13729, 15707 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 22348151420; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 32-13.

By Council Member Dow.

An emergency resolution objecting to the transfer of liquor license of a D1 and D2 Liquor Permit to 6816 Superior Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a D1 and D2 Liquor Permit from Margaret W. Foxworth, DBA Johnnies South of the Border, 5803 Outhwaite Avenue, 1st floor and partial basement, Cleveland, Ohio 44104, Permanent Number 2861689 to Margaret W. Foxworth, DBA Johnnies South of the Border, 6816 Superior Road, Cleveland, Ohio 44103, Permanent Number 28616890001; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code.

Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of liquor license of a D1 and D2 Liquor Permit from Margaret W. Foxworth, DBA Johnnies South of the Border, 5803 Outhwaite Avenue, 1st floor and partial basement, Cleveland, Ohio 44104, Permanent Number 2861689 to Margaret W. Foxworth, DBA Johnnies South of the Border, 6816 Superior Road, Cleveland, Ohio 44103, Permanent Number 28616890001; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 33-13.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2, C2X and D6 Liquor Permit at 11609 Miles Road and repealing Resolution No. 1139-12 objecting to said renewal.

Whereas, this Council objected to a C2, C2X and D6 Liquor Permit to 11609 Miles Road by Resolution No. 1139-12 adopted by the Council on August 8, 2012; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; 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 C2, C2X and D6 Liquor Permit to Habibi, Inc., DBA Frank's Marathon, 11609 Miles Road, Cleveland, Ohio 44105, Permanent Number 3479133 be and the same is hereby withdrawn and Resolution No. 1139-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 34-13.

By Council Member K. Johnson.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 2603 Woodhill Road and repealing Resolution No. 1486-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 2603 Woodhill Road by Resolution No. 1486-12 adopted by the Council on October 15, 2012; and

Whereas, this Council wishes to withdraw its objection to the above transfer 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 the transfer of ownership of a C1 and C2 Liquor Permit to Mos Woodhill Deli, Inc., 2603 Woodhill Road, Cleveland, Ohio 44104, Permanent No. 6192207, be and the same is hereby withdrawn and Resolution No. 1486-12, 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 35-13.

By Council Member Cummins.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A, D5 and D6 Liquor Permit at 3194 West 25th Street, 1st floor and basement, and repealing Resolution No. 1032-12 objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A, D5 and D6 Liquor Permit to 3194 West 25th Street, 1st floor and basement by Resolution No. 1032-12 adopted by the Council on August 8, 2012; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; 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 D1, D2, D3, D3A, D5 and D6 Liquor Permit to 2109 Tate, Inc., DBA Teri O's Lounge, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio

44109, Permanent Number 9116320005 be and the same is hereby withdrawn and Resolution No. 1139-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

MOTION

On the motion of Council Member Westbrook, seconded by Council Member Mitchell and unanimously carried that the absence of Council Members Zachary Reed and Matthew Zone be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:57 p.m. to meet on Monday, January 14, 2013 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

January 2, 2013

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 2, 2013 at 10:37 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson.

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

D. 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. 1-13.

By Director Withers.
 Be it resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultants by AECOM Technical Services, Inc. under Contract No. PS2012*319 for professional consulting services to provide the General Engineering Services VII project, which requires general engineering, architectural, and other services including, but not limited to, design services, construction inspection services, structural and geotechnical analysis services, permit application services, materials testing and analysis services, risk assessment services, cost-benefit analysis services, laboratory and monitoring services, environmental and safety consulting services, remediation and disposal services, hazardous material remediation and disposal services, water quality and treatment process assessments and analysis services, and other related professional consulting services needed for a period of four years, for the Division of Water, Department of Public Utilities on an as-needed basis, is approved:

<u>Sub-consultant</u>	<u>Work Percentage</u>
GPD Group	\$ 50,000.00 1.424%
MWH Americas, Inc.	\$400,000.00 11.394%
McLemore Consulting Associates, Inc.	\$ 5,450.00 0.155%

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 2-13.

By Director Withers.
 Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 9, 2012, for Ontario Street Area Sewer Rehabilitation Project, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 740-08, passed June 9, 2008, are rejected.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 3-13.

By Director Withers.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Boyas Excavating, Inc. for an estimated quantity of disposal of debris at landfills, items 1 and 3, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on November 7, 2012 under the authority of Ordinance No. 890-12, passed August 8, 2012, which on the

basis of the estimated quantity would amount to \$3,227,250.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.
 Absent: Mayor Jackson.

Resolution No. 4-13.

By Director Withers.
 Be it resolved, by the Board of Control of the City of Cleveland that the bid of Lakefront Automotive Parts, Inc. for all estimated quantity of automotive and truck parts/service (all items), for the Division of Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on November 9, 2012, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$250,000.00, is affirmed and approved as the lowest and best bid; and the Director of Public Utilities is requested to enter into a requirement contract for the specified goods and/or services.

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

SUBCONTRACTOR CSB/MBE/FBE WORK

Poly Services, Inc.	CSB/MBE \$25,000.00 (10.00%)
AAMCO Transmissions	CSB/FBE \$25,000.00 (10.00%)
E & K Products	\$ 5,000.00 (02.00%)
Midtown Service, Inc.	\$ 5,000.00 (02.00%)
Erie Shores Radiator	\$ 4,000.00 (01.60%)
APO Pumps & Compressor	\$ 2,000.00 (00.80%)
CCI North Coast	\$10,000.00 (04.00%)
Valley Ford Truck, Inc.	\$ 5,000.00 (02.00%)
Zoresco Equipment Co.	\$ 2,000.00 (00.80%)

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 5-13.

By Director Smith.
 Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 535-12, as amended by Ordinance No. 1456-12, passed by the Council of the City of Cleveland on May 14, 2012 and November 12, 2012, respectively, the firm of Seabury Airline Planning Group, LLC ("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 perform air and cargo service consulting and related services, for a period of one year, with three one-year options to renew, for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Seabury Airline Planning Group, LLC for the above-mentioned services, based upon its proposal dated July 6, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to Seabury Airline Planning Group, LLC for the services authorized shall not exceed \$125,000.00 per year, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following sub-consultants by Seabury Airline Planning Group, LLC is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
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Epstein Design Partners	0.0%-CSB/FBE To be determined
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Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 6-13.

By Director Wasik.
 Be it resolved by the Board of Control of the City of Cleveland, that the bid of Vandra Brothers, Inc. for the public improvement of Madison Avenue Rehabilitation (West Blvd. to W. 65th Street), all items, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, received on November 30, 2012, under the authority of Ordinance No. 593-11 passed by Cleveland City Council on June 6, 2011, upon a unit price basis for the improvement, in the aggregate amount of \$3,884,320.00, is affirmed and approved as the lowest responsible bid, and the Director of the Mayor's Office of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following sub-contractors by Vandra Brothers, Inc. for the above-mentioned public improvement is approved:

Down to Earth
(CSB) — \$55,000.00 — (1.4%)

Trafftech, Inc.
(CSB) — \$460,000.00 — (11.8%)

Tech Ready Mix
(CSB) — \$350,000.00 — (9.0%)

Fabrizi Trucking and Paving, Inc.
(CSB) — \$441,077.00 — (11.4%)

Cuyahoga Supply and Tool, Inc.
(CSB) — \$70,000.00 — (1.8%)

Solar Testing, Inc.
(CSB) — \$32,000.00 — (0.8%)

Yeas: Directors Langhenry,
Dumas, Withers, Smith, Cox, Butler,
Flask, Acting Director Resseger,
Directors Southerington, Nichols,
Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 7-13.

By Director Butler.
Whereas, under Ordinance No. 1335-12, passed December 3, 2012 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at direction of the Board of Control, to sell certain City-owned property no longer needed for public use, located at 9127 Miles Avenue and further identified as Permanent Parcel Nos. 134-08-032 and 134-08-064, as more specifically described in the ordinance, to Northeast Ohio Neighborhood Health Services, Inc. (NEON), at a price not less than fair market value as determined by the Board of Control, and other valuable considerations, for the purpose of providing a new access point for accessible comprehensive primary health care services to Cleveland residents, at a sliding fee scale; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1335-12, passed by the Council of the City of Cleveland on December 3, 2012, the Commissioner of Purchases and Supplies is directed to sell Permanent Parcel Nos. 134-08-032 and 134-08-064, as described in the ordinance, to Northeast Ohio Neighborhood Health Services, Inc. (NEON) for the price of \$1.00 and other valuable considerations, which this Board determines to be not less than fair market value.

Be it further resolved that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed(s) of the City of Cleveland conveying the property, which document(s) shall contain such additional terms and conditions as may be specified by the Director of Law.

Yeas: Directors Langhenry,
Dumas, Withers, Smith, Cox, Butler,
Flask, Acting Director Resseger,
Directors Southerington, Nichols,
Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 8-13.

By Directors Cox and Wasik.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. W. Clark Company, Inc. (CSB/LPE) for the public improvement of Front Entry Door Replacement Police Headquarters

Building, for the Base Bid Items A and B and Optional Items 1 and 2.3, for the Division of Architecture and Site Development, Department of Public Works, received on July 27, 2012, under the authority of Ordinance No. 533-12, passed on June 4, 2012, for a gross price for the improvement in the aggregate amount of \$69,262.00, is affirmed and approved as the lowest responsible bid, and the Directors of the Department of Public Works and the Office of Capital Projects are authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by R. W. Clark Company, Inc. (CSB/LPE) for the aforementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Lorain Glass Co. (other)	\$39,104.00	N.A.
Work Best Electric (CSB/FBE)	\$ 4,200.00	6.064%
Don Koo Associates (CSB/MBE)	\$ 1,500.00	2.166%

Yeas: Directors Langhenry,
Dumas, Withers, Smith, Cox, Butler,
Flask, Acting Director Resseger,
Directors Southerington, Nichols,
Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 9-13.

By Director Cox.
Whereas, Resolution No. 512-17, adopted by this Board of Control on October 2, 2012, under the authority of Ordinance No. 607-10, passed June 7, 2010 by the Cleveland City Council, authorized the Director of Public Works to enter into contract with Nerone & Sons for the public improvement at Historic League Park Restoration and Site Improvements in the aggregate amount of \$6,338,382.72, and approved various subcontractors; and

Whereas, Nerone & Sons has requested the City's consent to remove and to add certain firms as subcontractors for the project and to modify the participation of certain other previously approved subcontractors; and

Whereas, the Director of the Office of Equal Opportunity has determined that the removal and addition of subcontractors to Nerone & Sons as requested would increase its bid commitment for MBE/FBE/CSB subcontractor participation in the project; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 512-12, adopted by this Board October 2, 2012, authorizing the Director of Public Works to enter into contract with Nerone & Sons for the public improvement of Historic League Park Restoration and Site Improvements, is amended by deleting "Precision Engineering" as an approved subcontractor and by adding the following as approved subcontractors at the amounts stated:

SUBCONTRACTORS AMOUNT
PERCENTAGE

R. J. Platten Contracting (CSB)	\$319,082.00	5.748%
Krusoe Sign (CSB/FBE)	\$ 50,000.00	0.901%

Be it further resolved that Resolution No. 512-12, is amended by substituting the amounts stated below as the participation of the following approved subcontractors:

SUBCONTRACTORS AMOUNT
PERCENTAGE

MCM (CSB)	\$2,374,069.00	42.766%
Gateway Electric (CSB/MBE)	\$ 620,000.00	11.169%
Ballast Construction (CSB/FBE)	\$ 158,348.50	2.852%
Tech Ready Mix (CSB/MBE)	\$ 100,000.00	1.801%

Be it further resolved that all other provisions of Resolution No. 512-12 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry,
Dumas, Withers, Smith, Cox, Butler,
Flask, Acting Director Resseger,
Directors Southerington, Nichols,
Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 10-13.

By Director Cox.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of R & R Truck Sales, Inc., for an estimated quantity of nine cab and chassis with automated refuse bodies, and related equipment, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for the period of one year beginning with the date of execution of a contract, received on October 5, 2012, under the authority of Ordinance No. 570-12, passed by Cleveland City Council on April 30, 2012, which on the basis of the estimated quantity would amount to \$2,476,620.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the specified goods.

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by R & R Truck Sales, Inc. is approved:

Subcontractor Percentage
Amount

Best Equipment	NA	\$1,194,030.00
All Points Systems, LTD.	NA	\$ 58,815.00

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 11-13.

By Director Cox.
 Be it resolved, by the Board of Control of the City of Cleveland that the bid of VanCuren Services, Inc., for an estimated quantity of City-wide tree/stump removal, all Items, for the Division of Park Maintenance, Department of Public Works, for the period of one year beginning with the date of execution of a contract, with a one-year renewal option, received on November 2, 2012, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$171,557.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the specified goods and/or services.

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

Be it further resolved by the Board of Control that the employment of the following subcontractor by VanCuren Services, Inc. is approved:

<u>Subcontractor</u>	<u>Percentage Amount</u>
Danze Landscaping	0% \$21,170.00

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 12-13.

By Director Cox.
 Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting, Ltd. (CSB/LPE), for the public improvement of 1st District Police Station Structural Improvements, for Base Bid Items A and B and Optional Item #3 for the Division of Architecture and Site Development Department of Public Works, received on November 28, 2012, under the authority of Ordinance No. 453-11, passed on May 16, 2011, upon a gross price basis for the improvement in the aggregate amount of \$86,550.00, is affirmed and approved as the lowest responsible bid; and the Director of Department of Public Works is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by F. Buddie Contracting Co. (CSB/LPE) for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
Fabrication Group (CSB/FBE)	\$6,638.00 7.670%
Tech Ready Mix (CSB/MBE)	\$2,500.00 2.889%
Automatic Mechanical (CSB/MBE)	\$1,500.00 1.733%
Krusoe Sign (CSB/FBE expired)	\$ 525.00 0.607%

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 13-13.

By Director Cox.
 Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. W. Clark Co., Inc. (CSB/LPE), for the public improvement of Swimming Pool Improvements at Various Recreation Centers, for Base Bid Items A and B and Optional Items #1-#6 for the Division of Architecture and Site Development, Department of Public Works, received on November 28, 2012, under the authority of Ordinance No. 534-12, passed on June 4, 2012, upon a gross price basis for the improvement in the aggregate amount of \$611,271.00, is affirmed and approved as the lowest responsible bid; and the Director of Department of Public Works is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R. W. Clark Co., Inc. (CSB/LPE) for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
R & R Mechanical (CSB/MBE)	\$101,500.00 16.605%
O.P. Aquatics (CSB/FBE)	\$ 45,317.00 7.414%
Work Best Electric (CSB/FBE)	\$ 25,800.00 4.221%

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 14-13.

By Director Cox.
 Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. J. Platten Contracting Co. (CSB), for the public improvement of Lonnie Burten Water Slide Improvements, for Base Bid Items 1-57 and add Alternate

Items 1AA, 2AA and 18AA including the 5% contingency for the Division of Architecture and Site Development, Department of Public Works, received on December 5, 2012, under the authority of Ordinance No. 534-12, passed on June 4, 2012, upon a unit basis for the improvement in the aggregate amount of \$628,420.01, is affirmed and approved as the lowest responsible bid; and the Director of Department of Public Works is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R.J. Platten Contracting Co. (CSB) for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
Designor Pools Limited (other)	\$155,000.00 24.665%
Whitewater West, Ltd. (other)	\$104,380.00 16.610%
Harrington Electric (other)	\$ 35,200.00 5.601%
Ramos Trucking (CSB/MBE)	\$ 30,000.00 4.774%
Rockport Ready Mix (CSB/FBE)	\$ 20,000.00 3.183%
Lakeside Supply (CSB)	\$ 17,995.00 2.864%
Krusoe Sign (CSB/FBE expired)	\$15,970.00 2.541%
Great Northern Fence (other)	\$ 12,542.50 1.996%
Carrick's Landscaping (other)	\$ 4,100.00 0.652%

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 15-13.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 111-01-074 located on East 110th Street in Ward 9; and

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

Whereas, Great Lakeview, LLC has proposed to the City to purchase and develop the parcel for commercial/industrial construction; and

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Great Lakeview, LLC for the sale and development of Permanent Parcel No. 111-01-074 located on East 110th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 16-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 104-20-075 located on Utica Avenue in Ward 7; and

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

Whereas, Dwight Fleming has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community

Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Dwight Fleming for the sale and development of Permanent Parcel No. 104-20-075 located on Utica Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 17-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent No. 132-24-058 located at 6716 Clement Avenue in Ward 12, and

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

Whereas, Frances T. Glus has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Frances T. Glus for the sale and development of Permanent Parcel No. 132-24-058 located at 6716 Clement Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 18-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 104-15-074 located at 1328 East 65th Street in Ward 7; and

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

Whereas, Debra Jones has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it,

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Debra Jones for the sale and development of Permanent Parcel No. 104-15-074 located at 1328 East 65th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 19-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 104-20-043 located at 5613 Quimby Avenue in Ward 7; and

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

Whereas, Marvin Linder has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Marvin Linder for the sale and development of Permanent Parcel No. 104-20-043 located at 5613 Quimby Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 20-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 107-16-034 located at 8908 Birchdale Avenue in Ward 7; and

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

Whereas, Bernice McIntyre has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community

Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Bernice McIntyre for the sale and development of Permanent Parcel No. 107-16-034 located at 8908 Birchdale Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 21-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 121-18-075 located at 2236 East 103rd Street in Ward 6; and

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

Whereas, Darrell Paul has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Darrell Paul for the sale and development of Permanent Parcel No. 121-18-075 located at 2236 East 103rd Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 22-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 107-13-159 located at 1430 East 94th Street in Ward 7; and

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

Whereas, Beatrice Wilson has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Beatrice Wilson for the sale and development of Permanent Parcel No. 107-13-159 located at 1430 East 94th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the

commission not later than the final closing date slated in the examination announcement.

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, JANUARY 22, 2013

9:30 A.M.

Calendar No. 12-205: 3675 East 65th Street (Ward 12)

Mosinski Funeral Homes, Inc., owner, appeals to change use from a funeral home to a community center in a one and one-half story building located in a B1 Local Retail Business District; subject to the limitations under Section 343.01, the proposed use is not permitted and first permitted in a General Retail District in accordance with Section 343.11(b)(2)(L) and the regulations in Section 347.12; a required parking area equal to three times the gross floor area, 5500/300 equals 55 spaces and none are proposed contrary to Section 349.04(e); and by the restrictions under Sections 347.12(a) and (2), no such use shall be established within 500 feet of a residential district, day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation or community center and not within 500 feet of another such use, pursuant to the Cleveland Codified Ordinances.

Calendar No. 12-222: 3610 Superior Avenue (Ward 8)

3620 Superior Avenue LLC, owner, appeals for an expansion of use within an existing restaurant/bar to include entertainment (dance) use in a Semi-Industry District; subject to the location regulations under Section 347.12(a), no such use shall be established within 500 feet of a residence district or day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation or community center according to the Cleveland Codified Ordinances.

Calendar No. 12-223: 1885 West 58th Street (Ward 15)

Case Development LLC, owner, appeals to construct a fee simple townhouse on vacant property located in split zoning between C1 Multi-Family and B1 Two-Family Districts; subject to the limitations

under Section 337.03 a townhouse is not permitted in a Two-Family District; and pursuant to Section 355.04(b) in Area District B and C, the maximum gross floor area shall not exceed one-half times the lot area or 438 square feet and a gross floor area of 741 is proposed; and contrary to Section 353.01 a building height of approximately 40 feet exceeds the limit of 35 feet; proposing no front yard depth and a rear yard of 5 feet where 20 feet is required and contrary to 5 feet for the front two-thirds of the lot and 10 feet for the rear one-third, a depth of 2.09' is proposed for required side street yards, contrary to Sections 357.04 and 357.05 in the Cleveland Codified Ordinances.

Calendar No. 12-224: 5727 Bridge Avenue (Ward 15)

Case Development LLC, owner, appeals to construct a fee simple townhouse on vacant property located in split zoning between C1 Multi-Family and B1 Two-Family Districts; subject to the limitations under Section 337.03 a townhouse is not permitted in a Two-Family District; and pursuant to Section 355.04(b) in Area District B and C, the maximum gross floor area shall not exceed one-half times the lot area or 554 square feet and a gross floor area of 782 is proposed and contrary to Section 353.01 a building height of approximately 40 feet exceeds the limit of 35 feet; proposing no front yard depth and a rear yard of 5 feet where 20 feet is required in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-225: 5739 Bridge Avenue (Ward 15)

Case Development LLC, owner, appeals to construct a fee simple townhouse on vacant property located in split zoning between C1 Multi-Family and B1 Two-Family Districts; subject to the limitations under Section 337.03 a townhouse is not permitted in a Two-Family District; and pursuant to Section 355.04(b) in Area District B and C, the maximum gross floor area shall not exceed one-half times the lot area or 502 square feet and a gross floor area of 814 is proposed, and contrary to Section 353.01 a building height of approximately 40 feet exceeds the limit of 35 feet; proposing no front yard depth and a rear yard of 5 feet where 20 feet is required in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-226: 5729 Bridge Avenue (Ward 15)

Case Development LLC, owner, appeals to construct a fee simple townhouse on vacant property located in split zoning between C1 Multi-Family and B1 Two-Family Districts; subject to the limitations under Section 337.03 a townhouse is not permitted in a Two-Family District; and pursuant to Section 355.04(b) in Area District B and C, the maximum gross floor area shall not exceed one-half times the lot area or 554 square feet and a gross floor area of 782 is proposed and contrary to Section 353.01 a building height of approximately 40 feet exceeds the limit of 35 feet; proposing no front yard depth and a rear

yard of 5 feet where 20 feet is required in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-227: 5731 Bridge Avenue (Ward 15)

Case Development LLC, owner, appeals to construct a fee simple townhouse on vacant property located in split zoning between C1 Multi-Family and B1 Two-Family Districts; subject to the limitations under Section 337.03 a townhouse is not permitted in a Two-Family District; and pursuant to Section 355.04(b) in Area District B and C, the maximum gross floor area shall not exceed one-half times the lot area or 355 square feet and a gross floor area of 544 is proposed and contrary to Section 353.01 a building height of approximately 40 feet exceeds the limit of 35 feet; proposing no front yard depth and a rear yard of 5 feet where 20 feet is required in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-228: 5733 Bridge Avenue (Ward 15)

Case Development LLC, owner, appeals to construct a fee simple townhouse on vacant property located in split zoning between C1 Multi-Family and B1 Two-Family Districts; subject to the limitations under Section 337.03 a townhouse is not permitted in a Two-Family District; and pursuant to Section 355.04(b) in Area District B and C, the maximum gross floor area shall not exceed one-half times the lot area or 502 square feet and a gross floor area of 726 is proposed and contrary to Section 353.01 a building height of approximately 40 feet exceeds the limit of 35 feet; proposing no front yard depth and a rear yard of 5 feet where 20 feet is required in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-229: 5735 Bridge Avenue (Ward 15)

Case Development LLC, owner, appeals to construct a fee simple townhouse on vacant property located in split zoning between C1 Multi-Family and B1 Two-Family Districts; subject to the limitations under Section 337.03 a townhouse is not permitted in a Two-Family District; and pursuant to Section 355.04(b) in Area District B and C, the maximum gross floor area shall not exceed one-half times the lot area or 503 square feet and a gross floor area of 748 is proposed and contrary to Section 353.01 a building height of approximately 40 feet exceeds the limit of 35 feet; proposing no front yard depth and a rear yard of 5 feet where 20 feet is required in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-230: 5737 Bridge Avenue (Ward 15)

Case Development LLC, owner, appeals to construct a fee simple townhouse on vacant property located in split zoning between C1 Multi-Family and B1 Two-Family Districts; subject to the limitations under Section 337.03 a townhouse is not permitted in a Two-Family District; and pursuant to Section 355.04(b) in Area District B and C, the maximum gross floor area shall not exceed one-half times the lot

area or 355 square feet and a gross floor area of 544 is proposed and contrary to Section 353.01 a building height of approximately 40 feet exceeds the limit of 35 feet; proposing no front yard depth and a rear yard of 5 feet where 20 feet is required in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-231: 5409 Bridge Avenue (Ward 15)

Silverstar Ohio Holdings LLC, owner, appeals to change use of an existing one family residence to a two family use on a 36' x 120' parcel in a B1 Two-Family District; contrary to the limitations under Section 355.05(b) a minimum lot size of 4,320 square feet is proposed contrary to 4,800 that is required, and a minimum lot width of 36 feet where 40 feet is required according to the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 7, 2013

At the meeting of the Board of Zoning Appeals on Monday, January 7, 2013, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Violation Notice

Calendar No. 12-213: 3914 Arnold Avenue

Litsandra Mulero appealed from a decision rendered by the City of Cleveland Parking Violations Bureau, Waste Collection and Photo Safety Division for failure to comply with Section 551.111(B); penalty reduced to \$250.00.

Calendar No. 12-219: 2170 West 7th Street

Victor Selig appealed to erect a three-story single family residence with attached garage in a B1 Multi-Family District.

Calendar No. 12-184: 6555 Carnegie Avenue

Hemingway at 6555 LLC appealed to erect a 180 foot telecommunications tower in a Midtown Mixed Use District 3; subject to conditions.

Calendar No. 12-214: 3204 Carroll Avenue

Scott Maloney appealed to establish a 10 car parking lot in a B1 Two-Family District.

The following appeals were **DENIED:**

Violation Notice

Calendar No. 12-211: 4250 West 38th Street

George Caraman appealed from a decision rendered by the City of Cleveland Parking Violations Bureau Waste Collection and Photo Safety Division for failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances; decision of the Hearing Examiner affirmed.

Calendar No. 12-210: Violation Notice 3432 West 117th Street

Kari Bast-Payne appealed from a Notice of Violation issued by the Department of Building and Housing for failure to comply with Section 337.178.(a) in the Cleveland Codified Ordinances.

The following appeals were **POSTPONED:**

Calendar No. 12-215: 6513 Superior Avenue postponed to March 25, 2013.

Calendar No. 12-216: 6517 Superior Avenue postponed to March 25, 2013.

Calendar No. 12-187: Appeal of City View Mechanical postponed to February 4, 2013.

Calendar No. 12-107: Appeal from Parking Occupancy Tax scheduled for January 14, 2013 postponed to March 25, 2013.

The following appeals heard by the Board on December 31, 2012 were adopted and approved on January 7, 2013:

The following appeals were **APPROVED:**

Calendar No. 12-208: 3552 East 131st Street

Cleveland Metropolitan School District, owner and the City of Cleveland, prospective purchaser, appealed to construct a new fire station on acreage located in a B1 Two-Family District.

Calendar No. 12-217: 6107 Broadway Avenue

Slavic Village Development, owner, and Centermark Development, prospective purchaser, appealed to construct a new discount store on consolidated parcels located in zoning for C2 General Retail Business and B1 Two-Family District.

The following appeals were **DENIED:**

Calendar No. 12-206: 732 East 127th Street

Al Kriss appealed to change use from a two family residence to a residence for three families in a B1 Two-Family District.

Violation Notice

Calendar No. 12-212: 4445 State Road Fred Manson appealed from a decision rendered by the City of Cleveland Parking Violations Bureau, Waste Collection and Photo Safety Division for failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

Secretary

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NO MEETING

PUBLIC NOTICE

NONE

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NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

NO BIDS

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Brady, Brancatelli, Cleveland, Mitchell, Zone. *Authorized Absence:* Keane, Miller, Mitchell, Pruitt, Zone. Cleveland. *Authorized Absence:* Westbrook.

Authorized Absence: Cleveland.

1:30 p.m

**Monday, January 7, 2013
2:00 p.m.**

Finance Committee: Present: Kelley, Chair; Sweeney, Vice Chair;

**Wednesday, January 9, 2013
9:00 a.m.**

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cummins, Dow, Miller,

Public Utilities Committee: Present: Pruitt, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Kelley, Miller, Polensek, Westbrook.

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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