

The City Record

Official Publication of the Council of the City of Cleveland



October the Twenty-Fourth, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name Residence	
1	Terrell H. Pruitt16920 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 – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

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WEDNESDAY, OCTOBER 24, 2012

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CITY COUNCIL

MONDAY, OCTOBER 22, 2012

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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

Sustainability Sub-Committee: Zone, Chair; Westbrook, Vice Chair; Cummins, J. Johnson, Mitchell.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 22, 2012

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

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

Also present were: Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Jenita McGowan, Chief of Sustainability, Natoya J. Walker Minor, Chief of Public Affairs, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Butler, Flask, Cox, Rush, Rybka, Southerington, Nichols, Brown, Fumich, Ambroz, and Teresa Stevenson of Legislative Affairs.

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

MOTION

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

COMMUNICATIONS

File No. 1545-12.

From First Energy Service Company — Letter of Notification — Inland Jordan Q11 & Q14 138 kV Transmission Line, Loops to Clinic Hospital Substation Project. Received.

File No. 1546-12.

From First Energy Service Company — Application for Certificate, Clinic Hospital Substation Project — OPSB Case No. 11-2754-EL-BSB. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 1547-12.

Re: 6363210 — C1, — Stock Application — New Look Beverage, LLC, 831 East 140th Street. Ward 10. Received.

File No. 1548-12.

Re: 800360070155 — C1, C2 — Transfer of Location Application — 7 Eleven Inc., d.b.a. 7 Eleven 36237, 1035 East 185th Street. Ward 11. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1549-12—Judge Kathleen O'Malley.

Res. No. 1550-12—Deacon Henry L. Torrence.

Res. No. 1551-12—Bernice Hill.

Res. No. 1552-12—Spurgeon Westbrooks.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1553-12—The Statler Arms Apartments.

Res. No. 1554-12—Murtis Taylor Human Services System — 64th Anniversary.

Res. No. 1555-12—Rev. Dr. Rowland H. Crowder.

Res. No. 1556-12—Sgt. David Rutt, Badge #9723.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1529-12.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of wireless cards for data services on mobile computers to interface with the CRIS System, including maintenance, for the Division of Information Technology

and Services, Department of Finance, for a period of one year with two one-year options to renew exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period, with two one-year options to renew, exercisable by the Director of Finance, of the necessary items of wireless cards for data services on mobile computers to interface with the CRIS System, including maintenance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 1511, RL 2012-60)

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

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

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

Ord. No. 1530-12.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts without competitive bidding with Tyco Simplex-Grinnell to maintain, repair and expand the integrated fire and security system, for the various divisions of Port Control, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Tyco Simplex-Grinnell. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts with Tyco Simplex-Grinnell, for the requirements for a period not to exceed two years, with two one-year options to renew, of the necessary items of materials, equipment, supplies, and services necessary to maintain, repair, and expand the integrated fire and security system, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the various divisions of the Department of Port Control. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 2. That the 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.

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 Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. (RQN 3001, RL 2012-057)

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

Ord. No. 1531-12.

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

An emergency ordinance authorizing the Director of Public Works, to enter into a property adoption agreement with The Putman Sculpture Collection to install and maintain the Euclid's Circle Sculpture in the David E. Davis Sculpture Garden in Rockefeller Park.

Whereas, this ordinance constitutes an emergency measure providing for

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 131.23 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a property adoption agreement with The Putman Sculpture Collection of Case Western Reserve University to beautify and improve an area in the David E. Davis Sculpture Garden in Rockefeller Park by installing and maintaining the Euclid's Circle Sculpture, which shall remain the property of The Putman Sculpture Collection.

Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 3. That the property adoption agreement shall be prepared by the Director of Law.

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

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

Ord. No. 1532-12.

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

An emergency ordinance authorizing the Director of Public Works to exercise the first option to renew Contract No. CT 7012 NF2010-024 with Executive Caterers at Landerhaven, Inc. to provide food and beverage services.

Whereas, under the authority of Ordinance No. 1847-08, passed January 26, 2009, as amended by Ordinance 1417-09, passed September 28, 2009, the Director of Public Works entered into Contract No. CT 7012 NF2010-024 with Executive Caterers at Landerhaven, Inc. to provide food and beverage services at the Public Auditorium; and

Whereas, Ordinance No. 1847-08, passed January 26, 2009, as amended by Ordinance 1417-09, passed September 28, 2009, requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the privilege of the concession agreement, Executive Caterers at Landerhaven, Inc. shall pay the City an annual fee as specified in the contract; and

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

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

Section 1. That the Director of Public Works is authorized to exercise the first option to renew Contract No. CT 7012 NF2010-024 for an additional year with Executive Caterers at Landerhaven, Inc. to provide food and beverage services at the Public Auditorium. This ordi-

nance constitutes the additional legislative authority required by Ordinance No. 1847-08, passed January 26, 2009, as amended by Ordinance 1417-09, passed September 28, 2009 to exercise this option.

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

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

Ord. No. 1533-12.

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

An emergency ordinance to amend Sections 559.14 and 559.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to the Croatian and the Hebrew Cultural Gardens.

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

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

Section 1. That Section 559.14, as amended by Ordinance No. 1715-09, passed May 10, 2010, and Section 559.15, as amended by Ordinance No. 109-56, passed February 11, 1957, are amended to read as follows:

Section 559.14 Croatian Cultural Garden

Beginning in the Westerly line of the upper drive also known as East Blvd., at a point located 35.00 feet Southerly by rectangular measurement from its point of intersection with the Westerly prolongation of the main axis of the Shakespeare Garden; thence Southerly along the Westerly line of said upper drive (East Blvd.) about 121.8 feet to a point; thence Westerly 70.00 feet to a point being 65.00 feet perpendicular by rectangular measurement from the Northerly line of the Hebrew Garden; thence Southerly along said perpendicular line to the Northerly line of Hebrew Garden 65.00 feet to a point on said Northerly line of the Hebrew Garden; thence Westerly along the said Northerly line of the Hebrew Garden about 200.39 feet to an iron pipe in the Easterly line of the lower drive also known as Martin Luther King Jr. Drive; thence Northerly along said Easterly line of the lower drive (Martin Luther King Jr. Drive) 283.3 feet to point located 60.00 feet Southerly by rectangular measurement from the Southerly line of the Hungarian Garden; thence Easterly along said line parallel and distant 60.00 feet Southerly with the Southerly line of said Hungarian Garden (also 35.00 feet Southerly by rectangular measurement and parallel to the Westerly prolongation of said main axis of the Shakespeare Garden) about 326.00 feet to said upper drive (East Blvd.) and the principal place of beginning.

Section 559.15 Hebrew Cultural Garden

Beginning at a stone monument at the point of intersection of the center line of East 102nd St. with the center

line of Olivet Ave.; thence westerly along the center line of said Olivet Ave. 839.62 feet to a stone monument in the center line of East 99th St.; thence northerly along the center line of said East 99th St. 18.00 feet to a point; thence westerly at right angles to the center line of East 99th St. 332.11 feet to a point; thence northwesterly on a line deflecting to the right 59 degrees 08 minutes 30 seconds, 351.08 feet to an iron pipe in the westerly line of the upper drive (East Blvd.), which point is the principal place of beginning and is also the northeasterly corner of the Syrian Garden; thence westerly along the northerly line of the Syrian Garden 276.50 feet to an iron pipe in the easterly line of the lower drive (Martin Luther King Jr. Drive); thence northerly along the easterly line of the lower drive (Martin Luther King Jr. Drive) 358.00 feet to an iron pipe in the southwest corner of the Croatian Garden; thence easterly along the southerly line of the Croatian Garden 200.39 feet to a point; thence northerly perpendicular to the southerly line of the Croatian Garden 65 feet to a point; thence easterly along a line parallel to the southerly line of the Croatian Garden about 70 feet to the westerly line of the upper drive (East Blvd.); thence southerly along the westerly line of the upper drive (East Blvd.) about 398.20 feet to the principal place of beginning.

Section 2. That existing Section 559.14, as amended by Ordinance No. 1715-09, passed May 10, 2010, and existing Section 559.15, as amended by Ordinance No. 109-56, passed February 11, 1957, are repealed.

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

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

Ord. No. 1534-12.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2013 Immunization Action Plan Program; authorizing the Director to charge and accept fees for this program; and authorizing one or more agreements with Medicaid and Medicaid HMOs for the City to receive payments.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$95,340, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2013 Immunization Action Plan Program; that the Director of Public Health is

authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1534-12-A, is made a part of this ordinance as if fully rewritten, including the obligation to devote program income from first and third party billings, estimated at \$10,000, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Health is authorized to enter into one or more agreements with Medicaid and Medicaid HMOs to receive payments under this ordinance.

Section 5. That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

Section 6. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 7. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds and program income accepted under this ordinance.

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

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

Ord. No. 1535-12.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located mid-block between Euclid Avenue and Chester Avenue on East 105th Street to Ronald McDonald House of Cleveland, Inc., for purposes of construction of additional parking; authorizing the City's retention of a non-exclusive permanent easement across the property for purposes of

ingress and egress onto East 105th Street; authorizing the acquisition of certain non-exclusive easement rights from Ronald McDonald House of Cleveland, Inc. for ingress and egress purposes onto East 105th Street; and to repeal Ordinance No. 1550-11, passed December 5, 2011, relating to the Ronald McDonald House.

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

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

Whereas, the Director of Public Safety has requested the sale of the City-owned property to RMH no longer needed for public use and located at 1942 East 105th Street for additional parking for RMH; and

Whereas, to maintain access to and from Fire Station No. 10 and East 105th Street, the City shall retain a non-exclusive permanent easement across said land as well as acquire a non-exclusive permanent easement across RMH-owned land to the south of the alleyway, all at no cost to the City; and

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

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

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

**LEGAL DESCRIPTION OF
PORTION OF P.P.N. 119-10-018
CITY OF CLEVELAND**

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

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

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

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

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

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

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

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

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

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to RMH at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance. The City will retain one or more ingress and egress easements over a portion of the above-described property for the purpose of accessing Fire Station No. 10.

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

Section 4. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire certain non-exclusive easement rights from RMH in and to the premises described for the purposes of ingress and egress onto East 105th Street:

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

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

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

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

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

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

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

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

Section 5. That the Director of Public Safety is authorized to execute on behalf of the City all documents necessary to acquire certain rights in and to the property.

Section 6. That Ordinance No. 1550-11, passed December 5, 2011, is repealed.

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

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

Ord. No. 1536-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Jay Avenue Development Corporation or its designee to provide economic development assistance to partially finance the renovation and site improvements of 2515 Jay Avenue and other associated costs necessary to redevelop the property.

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

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

Section 1. That, the Director of Economic Development is authorized to enter into a forgivable loan agreement under the Vacant Property Initiative with Jay Avenue Development Corporation or its designee in an amount of \$180,000, and a non-forgivable loan agreement in an amount of \$540,000 to provide economic development assistance to partially finance the renovation and site improvements of 2515 Jay Avenue and other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1536-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of any funding under this ordinance, including forgivable and nonforgivable portions, shall not exceed \$720,000, and shall be paid from Fund No. 17 SF 008, RQS 9501, RL 2012-151.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of

the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to

the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 1537-12.

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

An emergency ordinance to amend Section 56 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 610-12, passed May 21, 2012, relating to compensation for various classifications.

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

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

Section 1. That Section 56 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 610-12, passed May 21, 2012, is amended to read as follows:

Section 56. Division of Police; Various Positions

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

	Minimum	Maximum
1. Police Stress Consultant	\$60,000.00	\$105,000.00
2. Occupational Medical Director.....	43,107.75	82,687.47
3. Public Safety Information Technology Manager	65,000.00	110,000.00

Section 2. That existing Section 56 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 610-12, passed May 21, 2012, is repealed.

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

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

Ord. No. 1540-12.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from United States Environmental Protection Agency to conduct a brownfield revolving loan program to make loans or grants to assist with certain environmental remediation costs for eligible projects; and authorizing the director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in an amount up to \$1,000,000, from the United States Environmental Protection Agency to conduct a brownfield revolving loan program to make loans or grants to assist with certain environmental remediation costs for eligible projects; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are

appropriated for the purposes described in the executive summary for the grant contained in the file described below.

Section 2. That the executive summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1540-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the required amount of 20% of the grant amount, which is estimated to be \$200,000, is approved in all respects, and shall not be changed without additional legislative authority. (RQS 9501, RL 2012-156)

Section 3. That the Director of Economic Development is authorized to enter into one or more contracts with various agencies, entities, or individuals to provide loans or grants in amounts not to exceed \$250,000 to assist with certain environmental remediation costs for eligible projects.

Section 4. That the terms of the loans or grants shall be according to the terms set forth in the file.

Section 5. That the Director of Economic Development is authorized to accept the collateral determined by the Director to secure repayment of the loans. Any loan agreements, security instruments, or other documents

shall be prepared and approved by the Director of Law.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from a loan fees funds to be designated by the Director of Finance.

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

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

Section 9. That any loan or grant entered into under this ordinance

shall be authorized when approved by the Cleveland Citywide Development Corporation and the Mayor, and the Council Member in whose ward the project is being given assistance shall submit a letter of support for the project. The Director of Economic Development shall notify the Council Member in whose ward the project will occur before it has been approved by the Cleveland Citywide Development Corporation.

Section 10. That the Director of Economic Development is authorized to accept the grant funds authorized by this ordinance and deposit the monies into a fund designated by the Director of Finance; and to accept repayment of the loans and to deposit the monies into a fund or fund to be designated by the Director of Finance.

Section 11. That the costs of each loan or grant shall be paid from the fund or funds to which are credited the proceeds of the grant accepted under this ordinance, the cash match, and from the fund or fund to which are credited any loan repayments made from loans authorized under this ordinance, and are appropriated for this purpose.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1543-12.

By Council Members Keane and Conwell.

An emergency ordinance to amend Sections 135.42 and 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 292-07, passed June 11, 2007 and Ordinance No. 1971-06, passed July 2, 2008, relating to contracts for towing and impounding and towing fees.

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

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

Section 1. That Sections 135.42 and 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 292-07, passed June 11, 2007 and Ordinance No. 1971-06, passed July 2, 2008, are amended to read as follows:

Section 135.42 Contracts for Towing, Storage and Disposal of Impounded Motor Vehicles

(a) *Contracts Authorized.* The Director of Public Safety may enter into contract for the following services:

(1) For the towing of vehicles and motor vehicles, including commercial vehicles, authorized to be impounded by these Codified Ordinances;

(2) For the storage of impounded vehicles and motor vehicles;

(3) For the disposal and salvaging of impounded vehicles and motor vehicles that are unclaimed or abandoned.

(b) *Term.* The term of any contract authorized by this section shall not exceed two (2) years with one (1) two

(2) year option to renew, exercisable by the Director of Public Safety if authorized by additional legislative authority.

(c) *Salvage Vehicle Proceeds.* Each contract for the towing of non-commercial or commercial vehicles shall contain a provision that provides that the division of monies received when vehicles are salvaged shall be as follows: the towing firm that impounded the vehicle shall be paid thirty percent (30%); of the salvage proceeds. The storage company shall be paid sixty percent (60%); of the proceeds, not to exceed the amount authorized for its services in these Codified Ordinances. The City of Cleveland shall be paid ten percent (10%); of the proceeds, and shall also receive any monies that are not paid to either the towing or storage firms because the percentage to which they would otherwise be entitled exceeds the amount authorized for their services in these Codified Ordinances.

(d) *Commercial Tow Rates.* Each contract entered into under the authority of division (a)(1) for the towing of commercial vehicles shall require that the tower provide to the Director of Public Safety its schedule of commercial towing rates, which shall not be higher than those charged to its most favored customers. The Director of Public Safety shall have the right to audit the records of each commercial tower to verify compliance with this requirement, and may by contract impose sanctions on any vendor that fails to comply, up to cancellation of the contract. No changes to a commercial tower's schedule of rates shall take effect until thirty (30) days after written notice to the Director of Public Safety of the revised schedule.

(e) *Payment for Process Tows and Other Costs by the Division of Police Authorized.* Each contract for the towing of motor vehicles entered into under the authority of this section:

(1) Shall provide that the Division of Police shall pay the costs of towing any non-commercial or commercial vehicle in any case in which the vehicle was impounded for processing by the Division of Police and the person reclaiming the vehicle is the victim of a crime and is not liable for the towing fees under these Codified Ordinances; and

(2) May provide that the Division of Police pay the costs of disposal of solid wastes contained in impounded vehicles or incidental to the impoundment, and the costs of disposal of non-salvageable watercraft, vehicles or items, under such conditions as the Director of Public Safety may specify in the contract.

The costs authorized to be paid by the Division of Police under this division shall be paid from the proper appropriation account as determined by the Director of Finance.

(f) *Disposal Firms' Qualifications.* Any contract for the services described in division (a)(3) of this section shall be performed by a motor vehicle salvage dealer as defined in RC 4738.01 or a scrap metal processor as defined in RC 4737.05.

Section 405.06 Impounding and Towing Fees

(a) In addition to the storage fee provided for in Section 405.04, the following fees shall be assessed against the owner or other person claiming an impounded vehicle:

(1) An impound fee of thirty dollars (\$30.00), except that the impound fee shall be reduced to ten (\$10.00) dollars for a person reclaiming a recovered stolen vehicle.

(2) A towing fee of **one hundred dollars (\$100.00)**, except that the towing fee shall be reduced to fifty dollars (\$50.00) for a person reclaiming a recovered stolen vehicle, and shall be increased to **one hundred and fifty dollars (\$150.00)** for a person reclaiming a vehicle impounded incident to an arrest.

The towing charge shall be increased by **twenty dollars (\$20.00)** if a dolly or flatbed is used or if a tire or tires are changed.

(b) No towing or impounding fees shall be charged when the vehicle is the property of the victim of a crime and such vehicle is being held by the Division of Police for processing.

Section 2. That existing Sections 135.42 and 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 292-07, passed June 11, 2007 and Ordinance No. 1971-06, passed July 2, 2008, are hereby repealed.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 1538-12.

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

An emergency resolution declaring the intent to vacate a portion of Brookpark Road and Relocated Grayton Road.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Brookpark Road and Relocated Grayton Road, as described; and

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

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

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

Vacation of a Portion of Brookpark Road

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Rockport Township Section No. 4, Original Middleburg Township Section No. 20, Lot No. 1 and Original Middleburg Township Section No. 11, Lot No. 6. Also being part of Brookpark Road as dedicated in Volume 118, Page 24, Volume 127, Page 29 and Volume 130, Pages 152-154 of the Cuyahoga County Map Records, being more definitely described as follows:

Commencing at a 1" iron pin found in a monument box at the intersection of the centerline of Relocated Brookpark Road and the centerline of Relocated Old Grayton Road as shown on

Centerline Survey Plat recorded in Volume 313, Pages 97-99 of the Cuyahoga County Map Records;

Thence, along the centerline of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 126.82 feet, said curve having a radius of 674.07 feet, a central angle of 10° 46' 47", and a chord of 126.63 feet which bears North 64° 41' 07" East;

Thence, leaving said centerline, South 30° 42' 17" East, 50.00 feet to the southerly right of way of Relocated Brookpark Road and True Point of Beginning for the parcel herein described, said point also being in the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, North 89° 45' 56" East, 1192.03 feet;

Thence, continuing along the northerly right of way of Brookpark Road, North 89° 54' 00" East, 2217.91 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, South 72° 01' 22" East, 71.27 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 497.83 feet to the southerly right of way of Brookpark Road, said curve having a radius of 1577.89 feet, a central angle of 18° 04' 39", and a chord of 495.77 feet which bears South 81° 03' 42" East;

Thence, along the southerly right of way of Brookpark Road, South 89° 54' 00" West, 2775.16 feet;

Thence, continuing along the southerly right of way of Brookpark Road, South 89° 45' 56" West, 1559.33 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, North 89° 43' 19" East, 0.80 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 384.51 feet to the point of beginning, said curve having a radius of 724.07 feet, a central angle of 30° 25' 36", and a chord of 380.01 feet which bears North 74° 30' 31" East;

Containing within said bounds 8,5278 acres (371,472 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(1995) Grid North.

Vacation of a Portion of Relocated Grayton Road

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Rockport Township Section No. 4. Also being that part of Orchard Glen Subdivision recorded in Volume 62, Page 12 of the Cuyahoga County Map Records, West Lawn Subdivision recorded in Volume 70, Page 28 of the Cuyahoga County Map Records and vacated West Lawn Avenue as recorded in Volume 195, Page 75 of the Cuyahoga County Map Records conveyed to the City of Cleveland, being more definitely described as follows;

Commencing at a 1" iron pin found in a monument box at the intersection of the centerline of Relocated Brookpark Road and the centerline of Relo-

cated Old Grayton Road as shown on Centerline Survey Plat recorded in Volume 313, Pages 97-99 of the Cuyahoga County Map Records;

Thence, along the centerline of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 126.82 feet, said curve having a radius of 674.07 feet, a central angle of 10° 46' 47" and a chord of 126.63 feet which bears North 64° 41' 07" East;

Thence, leaving said centerline, South 30° 42' 17" East, 50.00 feet to the southerly right of way of Relocated Brookpark Road, said point also being in the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, North 89° 45' 56" East, 1192.03 feet;

Thence, continuing along the northerly right of way of Brookpark Road, North 89° 54' 00" East, 140.12 feet to the westerly right of way of Relocated Grayton Road and the True Point of Beginning for the parcel herein described;

Thence, along the westerly right of way of Relocated Grayton Road, North 02° 02' 24" East, 506.28 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, South 88° 55' 58" East, 182.57 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, North 88° 50' 49" East, 29.44 feet to the easterly right of way of Relocated Grayton Road;

Thence, along the easterly right of way of Relocated Grayton Road, South 04° 38' 33" East, 52.93 feet;

Thence, continuing along the easterly right of way of Relocated Grayton Road, South 00° 05' 29" East, 449.98 feet to the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, South 89° 54' 00" West, 235.00 feet to the point of beginning.

Containing within said bounds 2.6071 acrea (113,564 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in May 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(1995) Grid North.

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

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

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

Res. No. 1539-12. By Council Members Cimperman Miller, Cleveland and Kelley (by request).

An emergency resolution declaring the intent to vacate a portion of Mulberry Street N.W. (66.0 feet wide).

Whereas, this Council is satisfied that there is good cause to vacate a portion of Mulberry Street N.W., as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of Mulberry Street N.W. (66.0 feet wide) extending southeasterly from the east line of Winslow Avenue N.W. (66.0 feet wide) to the west line of Detroit Avenue N.W. (66.0 feet wide).

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1541-12.

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

An emergency ordinance to amend Sections 1 and 7 of Ordinance No. 1407-12, passed October 15, 2012, relating to a grant from the Clean Ohio Conservation Program and option to purchase agreements with Concrete, Inc. and Jerome T. Osborne for properties needed for the Stage 3 of the Towpath Trail Project.

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

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

Section 1. That Sections 1 and 7 of Ordinance No. 1407-12, passed October 15, 2012 is amended to read as follows:

Section 1. That the Director of Public Works is authorized to apply for and accept a grant from the Clean Ohio Conservation Program, or its successor or designee, for the Towpath Trail Stage 3 Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the file mentioned below.

Section 7. That the consideration to be paid for this property shall not exceed fair market value as determined by the Board of Control which shall not exceed **\$500,000.00.**

Section 2. That existing Sections 1 and 7 of Ordinance No. 1407-12, passed October 15, 2012 is repealed.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time, Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1544-12.

By Council Member K. Johnson.
An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Robert Harris to engage in peddling in Ward 4.

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

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

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Robert Harris to engage in mobile peddling in the public rights of way of Ward 4 at 8804 Buckeye Road.

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

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

FIRST READING EMERGENCY RESOLUTION READ IN FULL AND ADOPTED

Res. No. 1542-12.

By Council Member Brady.
An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 10202 Lorain Avenue and repealing Resolution No. 1038-12 objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 10202 Lorain Avenue by Resolution No. 1038-12 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 C1 and C2 Liquor Permit to Lehigh Gas Ohio, LLC, DBA BP AM PM, 10202 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 50989840180 be and the same is hereby withdrawn and Resolution No. 1038-12, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 670-12.

By Council Members Brancatelli, Zone and Kelley.

An emergency ordinance to amend Section 347.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 944-08, passed October 13, 2008, relating to check cashing businesses, short-term loan lenders, small loan lenders, and mortgage loan lenders.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1259-12.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 910-12.

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

An emergency resolution declaring the intent to vacate a portion of Amsterdam Road N.E. and of a portion of Syracuse Avenue N.E.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1066-12.

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

An emergency resolution declaring the intent to vacate a portion of East 66th Place (12 feet wide), extending from the northerly right of way line of Lexington Avenue N.E. (60 feet wide), northerly to its terminus with that vacated portion of East 66th Place as shown in City of Cleveland ordinance 914-07 passed August 8, 2007.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1068-12.

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

An emergency resolution declaring the intent to vacate a portion of West 20th Street and a portion of Moore Court.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1338-12.

By Council Members Kelley and Miller.

An emergency resolution approving the Solid Waste Management Plan for the Cuyahoga County Solid Waste Management District.

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

1. In Section 1, line 1 after "Plan" insert "Update (2013-2028)".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

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

MOTION

The Council Meeting adjourned at 7:50 p.m. to meet on Monday, October 29, 2012 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 17, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 17, 2012 at 10:46 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson and Director Flask.

Others: L. Peculis, Acting Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 531-12.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of September, 2012 in the amount of \$49,774.44, attached and made a part of this resolution is received, approved and ordered filed.

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 532-12.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the

report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of August, 2012 in the amount of \$13,684.08, attached and made a part of this resolution is received, approved and ordered filed.

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 533-12.

By Director Withers.

Whereas, under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, and Board of Control Resolution No. 532-11, adopted November 9, 2011, the City, through its Director of Public Utilities, entered into City Contract No. PS2011*304 with Black & Veatch Corporation for general IT and billing system support for the Customer Care and Billing ("CC&B") system, in the amount of \$1,700,000.00, and approved the employment of Apple AGC Consultants, LLC (CSB/MBE) as a subconsultant, among others, for the Division of Water, Department of Public Utilities; and

Whereas, by its August 23, 2012 letter, Black & Veatch Corporation requested the City's consent to employ two additional subconsultants, increase the participation of a previously approved subconsultant, and removing Apple AGC Consultants, LLC (CSB/MBE) as a subconsultant because its services are no longer required; and

Whereas, the City desires to modify City Contract No. PS2011*304 to include additional professional services to implement the new Northeast Ohio Regional Sewer District storm water charges within the CC&B system, and to render IT management and technical support, as proposed by Black & Veatch Corporation in its September 17, 2012 letter; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 532-11, adopted November 9, 2011, under the authority of Ordinance No. 1036-07, passed August 8, 2007, authorizing a contract with Black & Veatch Corporation for general IT and billing system support for the Customer Care and Billing system for the Division of Water, Department of Public Utilities, is amended by increasing the participation of Om Consulting Group, LLC (CSB/MBE) from \$160,000.00 (9.412%) to \$450,000.00 (10.204%), and by deleting the approval of subconsultant Apple AGC Consultants, LLC (CSB/MBE).

Be it further resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is authorized to enter into a first modification to City Contract No. PS2011*304 with Black & Veatch Corporation, on the basis of its proposal dated September 17, 2012, for performance of the above-mentioned additional services and to increase the fees for all services by \$2,710,000.00 to \$4,410,000.00.

Be it further resolved by the Board of Control of the City of

Cleveland that the employment of the following additional subconsultants by Black & Veatch Corporation for the above-mentioned additional services is approved:

<u>Subconsultant</u>	<u>Work Percentage</u>
Milestone Utility Services, Inc.	\$53,000.00 1.202%
Split Rock Consulting	\$88,000.00 1.995%

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 534-12.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Terrace Construction Co., Inc. for the public improvement of constructing and repairing catch basins and manholes at various locations, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on August 30, 2012, under the authority of Section 129.291 of Codified Ordinances of Cleveland, Ohio, 1976, upon a unit basis for the improvements to be performed as ordered during the period of one (1) year starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$407,869.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a public improvement by requirement contract for the improvement.

The public improvement by requirement contract shall further provide that the contractor shall perform all the City's requirements for the work as may be ordered under delivery orders separately certified against the public improvement by requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Co., Inc. for the above-mentioned public improvement by requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE WORK</u>
Rockport Construction	CSB/FBE \$63,400.00 (15.544%)
The Vallejo Co.	CSB/MBE \$59,000.00 (14.465%)

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 535-12.

By Director Withers.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Dionex Corporation for an estimated quantity of the purchase of Ion Chromatograph and Apparatuses, Item 1, all items, for the Division of Water, Department of Public Utilities, received on August 17, 2012, under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to \$80,650.91 (Net 30, 1%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a contract for the items.

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

Nays: None.
 Absent: Mayor Jackson and Director Flask.

Resolution No. 536-12.

By Director Cox.
 Whereas, Resolution No. 469-12, adopted by this Board on September 12, 2012, under the authority of Ordinance No. 452-11, passed May 16, 2011 by the Cleveland City Council, authorized the Director of Public Works to enter into contract with Envirocom Construction, Inc., for the public improvement of Kovacic Recreation Center Roof and Locker Room Improvements in the aggregate amount of \$531,450.00, and approved various subcontractors; and

Whereas, Envirocom Construction, Inc. has requested the City's consent to remove and to add certain firms as subcontractors and to modify the participation of certain previously approved subcontractors for the project; and

Whereas, the Director of the Office of Equal Opportunity has determined that Envirocom Construction, Inc. has made a good-faith effort to increase its bid commitment for MBE/FBE/CSB subcontractor participation in the project by the removal and addition of certain subcontractors; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 469-12, adopted by this Board September 12, 2012, authorizing the Director of Public Utilities to enter into contract with EnviroCom Construction, Inc. for the public improvement of Kovacic Recreation Center Roof and Locker Room Improvements, is amended by deleting "Expert Construction" and "Cleveland V-Con" from the list of approved subcontractors to EnviroCom Construction, by approving the employment of "Total Roofing (CSB/FBE)", "LB Construction (CSB/MBE)", "Pearlrock Mechanical", "Gratton Building Products" and "Concord Tile" as additional subcontractors, and by approving and substituting the participation amounts stated below respectively for the following previously approved and additional subcontractors:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Warren Roofing	\$75,000.00	14.12%

Total Roofing (CSB/FBE)	\$50,000.00	9.41%
LB Construction (CSB/MBE)	\$43,154.00	8.12%
Landmark Plumbing (CSB/FBE)	\$27,500.00	5.17%
Tucker, Grubbs Construction (CSB/MBE)	\$19,500.00	3.67%
Pearlrock Mechanical	\$15,800.00	2.97%
Work Best Electric (CSB/FBE)	\$15,500.00	2.92%
Corporate Floors	\$11,000.00	2.07%
Gratton Building Products	\$ 4,800.00	0.90%
Concord Tile	\$ 2,250.00	0.42%

Be it further resolved that all other provisions of Resolution No. 469-12 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.
 Absent: Mayor Jackson and Director Flask.

Resolution No. 537-12.

By Director Cox.
 Be it resolved, by the Board of Control of the City of Cleveland that the bid of The Shelly Company, for the public improvement of grinding city streets, all items, for the Division of Streets, Department of Public Works, received on March 23, 2011, under the authority of Ordinance No. 792-12, passed by the Cleveland City Council on July 11, 2012, upon a unit basis for the improvements to be performed as ordered during the period of 18 months starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$1,104,000.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Works is requested to enter into a public improvement by requirement contract for the improvement.

The public improvement by requirement contract shall further provide that the contractor will perform all the City's requirements for the work as may be ordered under delivery orders separately certified against the public improvement by requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by The Shelly Company for the above-mentioned public improvement by requirement contract is approved:

<u>Subcontractors</u>	<u>CSB/MBE/FBE</u>	<u>Amount/Percentage</u>
Cook Paving & Construction	CSB/FBE	\$100,000.00/9.06%
Midland Concrete and Sand	CSB	\$ 55,000.00/4.98%
PGT Construction	CSB/FBE	\$ 55,000.00/4.98%
RAR Contracting	CSB/MBE	\$ 55,000.00/4.98%

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

Nays: None.
 Absent: Mayor Jackson and Director Flask.

Resolution No. 538-12.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 103-22-074 located at 2188 East 37th Street in Ward 5; and

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

Whereas, Cathy Michelle Houston has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Cathy Michelle Houston for the sale and development of Permanent Parcel No. 103-22-074 located at 2188 East 37th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Rush, Southerington, Acting Director Thornton, Directors

Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 539-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 124-26-018 located at 7032 Colfax Road in Ward 5; and

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

Whereas, Samuel Maul and Cherie Maul have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Samuel Maul and Cherie Maul for the sale and development of Permanent Parcel No. 124-26-018 located at 7032 Colfax Road, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 540-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 125-19-050 located at 7310 Port Avenue in Ward 5; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commis-

sioner 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, Mary Murphy has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Mary Murphy for the sale and development of Permanent Parcel No. 125-19-050 located at 7310 Port Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 541-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 131-28-055 located at 3606 Beyerle Road 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, Thomas W. Piskach 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 Thomas W. Piskach for the sale and development of Permanent Parcel No. 131-28-055 located at 3606 Beyerle Road, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 542-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 007-20-063 and 007-20-064 located on Walton Avenue in Ward 14; 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, Jorge L. Roman has proposed to the City to purchase and develop the parcels for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 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 parcels 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 Jorge L. Roman for the sale and development of Permanent Parcel Nos. 007-20-063 and 007-20-064 located on Walton Avenue and 3610 Walton 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 parcels

shall be \$2.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 5, 2012

9:30 A.M.

Calendar No. 12-159: 3136 West 63rd Street (Ward 15)

West 63rd Street LLC, owner, appeals to change from manufacturing / warehouse to automobile dismantling the use of a triangular shaped acreage parcel located between West 63rd Street and Stock Avenue in an A3 Unrestricted Industry District.

Subject to the limitations in Section 345.04(a)(3) open yard storage of salvaged articles shall be located no closer than 500 feet of a residence district; and in the provisions of Section 358.03(a) no portion of a fence located within 30 feet of the intersection of 2 street right-of-way lines shall exceed 2 feet in height unless all portions of the fence above 2 feet in height are at least 75% open and the same restrictions shall apply to any portion of a fence located along and parallel to a dri-

veway within 15 feet of its intersection with a public sidewalk or public street, if no sidewalk is present.

Calendar No. 12-171: 3951 Rocky River Drive (Ward 19)

Bethesda Lutheran Home, owner appeals for a 525 square foot addition and to establish use as a group home for 3 residents and a charitable institution, not for correctional purposes, operated by 10 staff members and proposed to include assembly, activity and office areas for job training and daytime activities for clients in an existing dwelling house located on a 62.66' x 157.64' parcel in a B1 Two-Family District within approximately 16 feet of a Residence District; and in accordance with Sections 337.02(f)(3)(G), requires the Board of Zoning Appeals approval, after public notice and hearing, to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and if such uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood and provided that the proposed use is not located less than 30 feet from any adjoining premises in a Residence District not used for a similar purpose.

Violation Notice

Calendar No. 12-175: 4405 Woburn Avenue (Ward 13)

Tomford Capital LLC and Joseph Rezabek appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered on September 19, 2012 by the City of Cleveland Parking Violations Bureau Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00144576, issued August 9, 2012 for the property located at 4405 Woburn Avenue and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

Violation Notice

Calendar No. 12-176: 3458 West 120th Street (Ward 17)

Christopher Willard appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered by the City of Cleveland Parking Violations Bureau Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00144618, issued August 14, 2012 for the property located at 3458 West 120th Street and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

Calendar No. 12-142: 17149 St. Clair Avenue (Ward 11)

With a Motion for Rehearing granted, Brian Kuhar, owner, appeals for an expansion of junk yard use to include wrecking and dismantling of motor vehicles on an irregular shaped lot in split zoning between C2 Semi-Industry and B3 General Industry Districts; subject to the limitations under Section 345.03 the proposed wrecking and dismantling of motor vehicles is not

permitted in a Semi-Industry District and an expansion of nonconforming use requires the Board of Zoning Appeals approval, according to the provisions under Section 359.01 in the Cleveland Codified Ordinances. (Filed 8-2-12; Hearing 10-1-12; Motion granted 10-8-12.)

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 22, 2012

At the meeting of the Board of Zoning Appeals on Monday, October 22, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-169: 2927 Bridge Avenue

Heck's Properties, LLC appealed for an addition to an existing café in a C1 Local Retail Business District; subject to condition.

Calendar No. 12-173: 17209 Lorain Avenue

Kamm's Plaza Shopping Center, owner, and Chris Russo, tenant, appealed to install portions of bamboo screening fence on an existing fence in a C3 Local Retail Business District.

Calendar No. 12-72: 2884 Scranton Road

Ramon Torres appealed to expand use of a motor vehicle service garage to include minor repair only with storage in the front parking area of automobiles being repaired; subject to conditions.

The following appeals scheduled for postponement hearing on October 29, 2012 were **WITHDRAWN:**

Calendar No. 11-53: 1373 East 51st Street

Calendar No. 11-54: 1368 East 52nd Street

Ohio Technical College Inc. appealed to surface a vacant parcel and construct a parking lot on two parcels located in a B1 Two-Family District.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

Calendar No. 12-167: 598 East 185th Street postponed to November 12, 2012.

Calendar No. 12-174: 2327 Holmden Avenue postponed to November 19, 2012.

The following appeals heard by the Board on October 15, 2012 were adopted and approved on October 22, 2012.

The following appeals were **APPROVED:**

Calendar No. 12-172: 16006 Talford Avenue

Anthony Cunningham appealed to erect a 10' x 9' front porch to a single family dwelling in an A1 One-Family District.

Calendar No. 11-190: 4106 Pearl Road Mathile Saad appealed to establish a motor vehicle repair garage on a corner lot in a Local Retail Business District; subject to conditions.

The following appeal was **DENIED:**

Calendar No. 12-170: 4931 State Road Ioanis Vasilakis, owner, and Luary Nawabit, tenant, appealed for establishment of a motor vehicle service garage (sales and installation of tires) in a B1 General Retail Business District.

The following appeal heard by the Board on August 20, 2012 was adopted and approved by the Board on October 22, 2012.

The following appeal was **APPROVED:**

Calendar No. 12-118: 4030 East 131st Street Two Great Lakes, Inc. appealed to erect a motor vehicle service station and retail store on a corner parcel in a C1 Local Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

On July 11, 2012, Cleveland City Council passed Ordinance No. 911-12 authorizing the submission to the electors of the City of Cleveland of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 118 and 126. The language that will appear on the ballot for the November 6, 2012 election is as follows:

**ISSUE 119
PROPOSED CHARTER
AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Sections 118 and 126 of the Charter of the City of Cleveland be amended to provide that the Fire Chief, up to three Deputy Fire Chiefs and one Assistant Fire Chief serving as the Executive Officer to the Chief are members of the unclassified service and shall be appointed by and serve at the pleasure of the Mayor from the division of fire or from persons outside the division who shall have had training and experience in fire fighting, provided however, that the Mayor shall appoint to the positions of Deputy Fire Chiefs and Assistant Fire Chief serving as the Executive Officer to the Chief from among candidates recommended by the Fire Chief with the concurrence of the executive head of the Fire Force if the executive head be other than the Mayor;

and that upon termination of their service as Fire Chief, Deputy Fire Chief, or Assistant Fire Chief serving as the Executive Officer to the Chief they shall, if appointed from the division of fire, revert to the civil service status held by them at the time of appointment?

October 3, October 10, October 17, October 24 and October 31, 2012

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 1200 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, NOVEMBER 9, 2012

File No. 133-12 — Fire Hydrants and Fire Hydrant Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 25, 2012 AT 3:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 2ND PERMITS CONFERENCE ROOM, CLEVELAND, OHIO 44114.

October 17, 2012 and October 24, 2012

WEDNESDAY, NOVEMBER 14, 2012

File No. 132-12 — Downtown Recycle Station Fabrication and Installation, for the Division of Waste Collection and Disposal, Department of Public Works, as authorized by Ordinance Nos. 732-07, 51-09 and 560-11, passed by the Council of the City of Cleveland, June 11, 2007, March 2, 2009 and June 6, 2011, respectively.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 1, 2012 AT 10:00 A.M. WASTE COLLECTION AND DISPOSAL, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

October 17, 2012 and October 24, 2012

FRIDAY, NOVEMBER 9, 2012

File No. 134-12 — Automotive and Truck Parts and Service, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 2, 2012 AT 11:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, WPC RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

File No. 136-12 — Labor and Materials Necessary to Repair and Maintain Combination Sewer Catch Basin Cleaners, Including Appurtenances, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 2, 2012 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, WPC RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

October 24, 2012 and October 31, 2012

WEDNESDAY, NOVEMBER 14, 2012

File No. 135-12 — Labor and Materials Necessary to Repair and Maintain Plate Trucks, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 2, 2012 AT

10:30 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, WPC RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

October 24, 2012 and October 31, 2012

FRIDAY, NOVEMBER 16, 2012

File No. 137-12 — Valves and Appurtenances Groups A, B, C and D (Re-bid), for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 1, 2012 AT 10:30 A.M. THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, PIPE REPAIR CONFERENCE ROOM, NEWBURGH HEIGHTS, OHIO 44105.

October 24, 2012 and October 31, 2012

WEDNESDAY, DECEMBER 12, 2012

File No. 138-12 — Upper Level Expansion Joints Rehabilitation and Terminal Utility Relocation, Phase 1, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 274-05 passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 1, 2012 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 19501 FIVE POINTS ROAD, ENGINEERING BUILDING #206, CLEVELAND, OHIO 44135.

October 24, 2012 and October 31, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1487-12.

By Council Member Reed.

An emergency resolution objecting to a New C1 Liquor Permit at 3831 East 93rd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at New Star Market, Ltd., 3831 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 63797080005; 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 New Star Market, Ltd., 3831 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 63797080005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 15, 2012.

Effective October 17, 2012.

Res. No. 1491-12.

By Council Member Reed.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 3750 Martin Luther King Jr. Boulevard, 1st floor and basement and repealing Resolution No. 943-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Savmor 116 Deli, Inc., DBA Martin Luther King Savmor, 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent No. 7760164 by Resolution No. 943-12 adopted by the Council on July 11, 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 Savmor 116 Deli, Inc., DBA Martin Luther King Savmor, 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent No. 7760164, be and the same is hereby withdrawn and Resolution No. 943-12, 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.

Adopted October 15, 2012.

Effective October 17, 2012.

Res. No. 1494-12.

By Council Member Brady.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 12029 Lorain Avenue, 1st floor and basement and repealing Resolution No. 1018-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Lalitaambika, Inc., DBA The Outlet Store, 12029 Lorain Avenue, 1st floor and basement, Cleveland, Ohio 44111, Permanent No. 4986593 by Resolution No. 1018-12 adopted by the Council on August 8, 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 Liquor Permit to Lalitaambika, Inc., DBA The Outlet Store, 12029 Lorain Avenue, 1st floor and basement, Cleveland, Ohio 44111, Permanent No. 4986593, be and the same is hereby withdrawn and Resolution No. 1018-12, 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.

Adopted October 15, 2012.

Effective October 17, 2012.

Res. No. 1495-12.**By Council Member Polensek.**

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 783 East 185th Street rear and patio and 779 East 185th Street, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Rogmoore, Inc., 783 East 185th Street rear and patio and 779 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 7483542 to Ohio Restaurant Investment Corp., 783 East 185th Street rear and patio and 779 East 185th Street 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 65204400030; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Rogmoore, Inc., 783 East 185th Street rear and patio and 779 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 7483542 to Ohio Restaurant Investment Corp., 783 East 185th Street rear and patio and 779 East 185th Street 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 65204400030; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a

letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted October 15, 2012.

Effective October 17, 2012.

Ord. No. 901-12.**By Council Members K. Johnson and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Cleveland Metropolitan School District to make twenty annual payments to the school district to compensate for tax revenues lost due to the elimination of several businesses on St. Clair Avenue to make way for the construction of the Medical Mart.

Whereas, the City of Cleveland and the County of Cuyahoga agreed on a sale price of \$20 million for the Cleveland Convention Center in order to construct the Medical Mart; and

Whereas, included in the \$20 million sale price was the agreement that the City will remit an annual payment of \$175,000 for a period of twenty years to the Cleveland Municipal School District for lost property tax revenues when businesses on St. Clair Avenue were eliminated to construct the Medical Mart; and

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

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

Section 1. That the Director of Public Works is authorized to enter into an agreement with the Cleveland Municipal School District to make an annual payment of \$175,000 for a period of twenty years for lost property tax revenues when businesses on St. Clair Avenue were eliminated to construct the Medical Mart. The first annual payment under the agreement shall be paid from Fund No. 01-9998-6380, RQS 7001, RL 2012-76, and the remaining nineteen annual payments shall be paid from the fund or funds appropriated for this purpose in budget years 2013 through 2031 and are subject to annual appropriation.

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

Passed October 15, 2012.

Effective October 17, 2012.

Ord. No. 1083-12.**By Council Members Keane, Mitchell and Sweeney (by departmental request).****An emergency ordinance to amend Section 131.65 of the Codified Ordina-**

nances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1330-A-10, passed December 6, 2010, relating to fuel, fuel dispensing equipment, and storage tank removal.

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 131.65 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1330-A-10, passed December 6, 2010, is amended to read as follows:

Section 131.65 Fuel, Fuel Dispensing Equipment, and Storage Tank Removal

(a) The Director of Public Works, or other appropriate director, is authorized to enter into one (1) or more standard purchase of requirement contracts duly let to the lowest and best bidder after competitive bidding for fuel and fuel dispensing and storage equipment, including but not limited to: fuel, fuel dispensing equipment, fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressors, and for emergency cleanup and replacement of leaking underground and above-ground storage tanks and systems, and labor, materials, and installation, if necessary, to repair or maintain existing equipment for the various Department of the City. Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose. The Commissioner of Purchases and Supplies shall combine the requirements for each item into a single contract or contracts, as determined by the Commissioner of Purchases and Supplies to be practicable, in order to maximize the City's buying power through aggregation of citywide demand. Under Section 181.20, the Commissioner of Purchases and Supplies may require such technical assistance from the Directors necessary to prepare the combined specifications.

(b) That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works, or other appropriate director, may sign all documents that are necessary to make the purchases, and may enter into one (1) or more contracts with the vendors selected through that cooperative process.

Section 2. That existing Section 131.65 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1330-A-10, passed December 6, 2010, is repealed.

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

Passed October 15, 2012.

Effective October 17, 2012.

Ord. No. 1237-12.**By Council Member Cimperman.**

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

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

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

Section 1. That Section 447.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1653-93, passed August 11, 1993 is amended to read as follows:

Section 447.06 Route Map and Operations Schedule

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

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

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

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

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

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

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

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

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

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

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

Passed October 15, 2012.
Effective October 17, 2012.

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

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

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

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

Section 1. That Section 609.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, is amended to read as follows:

Section 609.09 Criminal Child Enticement

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

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

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

(b) It is an affirmative defense to charge under division (a) of this section that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

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

(RC 2905.05)

Section 2. That existing Section 609.09 of the Codified Ordinances of

Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, is repealed.

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

Passed October 15, 2012.
Effective October 17, 2012.

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

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

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

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

Section 1. That Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 498-08, passed April 21, 2008, is amended to read as follows:

Section 171.40 Use of City Credit Cards

(a) *Authorization.*

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

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

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

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

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

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

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

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

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

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

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

(4) A credit card held by the Commissioner of Purchases and Supplies, or his or her designee, may be used to

pay the following work-related expenses: Business licenses, registrations, subscriptions, and other expenses in which a credit card is the only method of payment acceptable to the vendor.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. That existing Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 498-08, passed April 21, 2008, is repealed.

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

Passed October 15, 2012.
Effective October 17, 2012.

**Ord. No. 1405-12.
By Council Member Kelley (by departmental request).**

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$16,000,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Sixteen Million Dollars (\$16,000,000) (the "Series 2012 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2012 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2012 Bonds is at least five (5) years and the maximum maturity of the Series 2012 Bonds is twenty-eight (28) years, as evidenced by the certificate contained in File No. 1405-12-A; and

Whereas, the authorization for issuance of the Series 2012 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2012 Bonds in an aggregate principal amount not to exceed Sixteen Million Dollars (\$16,000,000) for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefiting the public safety, health and welfare, including acquiring, constructing, furnishing and equipping a new building to house the 3rd District Police Station and the Citywide Communications Center, the provision of necessary fixtures, furnishings, equipment, information technology hardware and software, utilities, site improvements and appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority. Security and Source of Payment. The Series 2012 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2012 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 15, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2012 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2012 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income

Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds") and four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

Section 3. Pledge and Covenant to Maintain Income Tax. So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

Section 4. Terms of the Series 2012 Bonds. The Series 2012 Bonds shall be issued in fully registered form. The Series 2012 Bonds may be issued in one or more series or subseries. The Series 2012 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Third Supplement identified in Section 7. The Series 2012 Bonds shall be designated "Public Facilities Improvement Bonds, Series 2012" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2012 Bonds shall be issued in one lot as fully registered Series 2012 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2012 Bonds shall be numbered as determined by the Director of Finance. The Series 2012 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2012 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2012 Bonds and the sale of the Series 2012 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2012 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield

(determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2012 Bonds shall not exceed six per cent (6.00%) per year. Interest on the Series 2012 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2012 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2012 Bonds shall be no later than December 1, 2040. The Series 2012 Bonds stated to mature in any year may be issued as serial Series 2012 Bonds or as term Series 2012 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2012 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2012 Bonds are issued as Term Series 2012 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Third Supplement).

The Series 2012 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2012 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2012 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That

election shall be exercised as provided in the Third Supplement.

If and to the extent provided in the Certificate of Award, the Series 2012 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2012 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2012 Bonds. The Series 2012 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to Stifel, Nicolaus & Company, Incorporated (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2012 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2012 Bonds, including: the principal amount of the Series 2012 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2012 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2012 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2012 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2012 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2012 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2012 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2012 Bonds and the Original Purchaser agrees to buy the Series

2012 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2012 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Third Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2012 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2012 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund; and

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2012 Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental indenture (the "Third Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2012 Bonds, redemption of Series 2012 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2012 Bonds, defeasance of the Series 2012 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Third Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Third Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Third Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Third Supplement as may be necessary or appropriate to issue and sell the Series 2012 Bonds and to consummate the transactions authorized by this Ordinance.

Section 8. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Series 2012 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate princi-

pal amount not to exceed Sixteen Million Dollars (\$16,000,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding four percent (4.00%) per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Public Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of twenty-five percent (25.00%) per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for

that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 9. Official Statement; Continuing Disclosure. If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2012 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2012 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2012 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2012 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2012 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to

establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 10. Federal Tax Considerations. (a) **Tax-Exempt Bonds.** The representations and covenants in this subsection (a) apply only to Series 2012 Bonds or Notes sold as obligations to which Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") applies, the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Bonds").

The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (i) the Tax-Exempt Bonds will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Tax-Exempt Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Bonds to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Tax-Exempt Bonds to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

(b) **Further Actions.** The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2012 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2012 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2012 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on

behalf of the City, as may be appropriate to assure the intended tax status of the Series 2012 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2012 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2012 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2012 Bonds and any Notes and the tax status of the Series 2012 Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2012 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2012 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2012 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2012 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 12. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

Section 13. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, con-

ditions and things necessary to be done precedent to and in the issuing of the Series 2012 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2012 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Delivery to County Fiscal Officer. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2012 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefore.

Section 16. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 17. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2012 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2012 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

Section 18. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the

benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed October 15, 2012.

Effective October 17, 2012.

Ord. No. 1407-12.

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

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Clean Ohio Conservation Program, or its successor or designee, for environmental assessment and remediation and for property acquisition needed for Stage 3 of the Towpath Trail Project; authorizing the Director to enter into and exercise Option to Purchase Agreements with Concrete, Inc. and Jerome T. Osborne for properties needed for the Project and to grant or accept gifts of property between the parties; authorizing the Commissioner of Purchases and Supplies to purchase the properties; and authorizing payment of grant funds to Cuyahoga County for the assessment and remediation of the properties.

Whereas, the Towpath Trail is largely complete from Zoar, Ohio, to the Cleveland City limits and Stage 3 of the Project brings it closer to completion; and

Whereas, Stage 3 of the Towpath Trail Project is part of a joint effort by the City of Cleveland, Cuyahoga County, Cleveland Metroparks, and the Ohio Canal Corridor to extend the Towpath Trail from its current terminus at Harvard Avenue in Cleveland, and ending at the proposed Canal Basin Park near Settler's Landing; and

Whereas, an integral part of the Stage 3 Towpath Trail Project includes the acquisition and environmental remediation of certain strategic properties which are located at the intersection of Literary Road and West 3rd Street and also on Clark Avenue between West 11th Street and Quigley Road (the "Stage 3 Strategic Properties") and

Whereas, the Director of Public Works shall enter into Option to Purchase Agreements with Concrete, Inc. and Jerome T. Osborne as owners of the Stage 3 Strategic Properties; and

Whereas, if the Clean Ohio Conservation Program grant is awarded thereby allowing the Option Agreements to be exercised, the Director of Public Works shall be authorized to transfer grant funds to Cuyahoga County for assessment and remediation of the Stage 3 Strategic Properties; and

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

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

Section 1. That the Director of Public Works is authorized to apply for and accept a grant not to exceed \$1,000,000 from the Clean Ohio Conservation Program, or its successor or designee, for the Towpath Trail

Stage 3 Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the file mentioned below.

Section 2. That the application materials for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1407-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds, in an amount up to \$350,000, from Fund No. 20 SF 522, is approved in all respects. In the event the Clean Ohio grant is not awarded, the above \$350,000 from Fund No. 20 SF 522 can be used to acquire the Stage 3 Strategic properties as well.

Section 3. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into Option to Purchase Agreements with Jerome T. Osborne for real estate located on Clark Avenue between West 11th Street and Quigley Road, and with Concrete, Inc. for real estate located near the intersection of Literary Road and West 3rd Street, more fully described as follows:

(Legal Description for Concrete, Inc. real estate located near the intersection of Literary Road and West 3rd Street)

Concrete, Inc.
0.4241 Acre

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of S.S. Stone's Survey of The College Tract of part of Original Brooklyn Township Lot No. 87. Also being part of the land conveyed to Concrete, Inc. as recorded in Volume 91-1574, Page 22 of the Cuyahoga County Records, being more definitely described as follows: Commencing at a drill hole in a stone found in a monument box at the at the intersection of the centerline of W. 3rd Street (70 feet wide) and the centerline of Mahoning Avenue S.W. (50 feet wide);

Thence, along the centerline of W. 3rd Street, South 38° 21' 14" East, 304.12 feet to the northerly line of said land conveyed to Concrete, Inc.;

Thence, along Concrete, Inc.'s northerly line, North 86° 04' 21" West, 47.31 feet to an iron pin set in the westerly right of way of W. 3rd Street and the True Point of Beginning for the parcel herein described;

Thence, along said westerly right of way, South 38° 21' 14" East, 135.16 feet to an iron pin set in the southerly line of said land conveyed to Concrete, Inc.;

Thence, leaving said westerly right of way, along Concrete Inc.'s southerly line, North 86° 04' 21" West, 233.55 feet to an iron pin set in the easterly right of way of Literary Road (60 feet wide);

Thence, along said easterly right of way, North 07° 45' 42" East, 100.22 feet to an iron pin set in the northerly line of said land conveyed to Concrete, Inc.;

Thence, leaving said easterly right of way, along Concrete, Inc.'s northerly line, South 86° 04' 21" East, 135.92 feet to the point of beginning.

Containing within said bounds 0.4241 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in September 2012.

The basis of bearings for this survey is Ohio State Plane, North Zone NAD83(2011) Grid North.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

(Legal Descriptions for Jerome T. Osborne real estate located north of Clark Avenue between West 11th Street and Quigley Road)

AUDITOR PERMANENT
PARCEL NUMBER 008-30-011

Parcel No. I

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 86, bounded and described as follows:

Beginning at the intersection of the northerly line of Clark Ave. S.W. 63 feet wide, with a line parallel to and distant 80 feet northwesterly by rectangular measurement from the northwesterly line of the Baltimore & Ohio Railroad Company's right-of-way.

Course 1:

Thence N 33° 58' 10" E along said line which is parallel to and distant 80 feet northwesterly by rectangular measurement from the northwesterly line of the Baltimore & Ohio Railroad Company's right-of-way, 295.88 feet to a point.

Course 2:

Thence N 88° 21' 50" W, being parallel with the northerly line of Clark Ave. S.W. as aforesaid and 250.00 feet northerly by rectangular measurement therefrom, 1472.00 feet to a point.

Course 3:

Thence S 1° 38' 10" W 250.00 feet to a point in the northerly line of Clark Ave. S.W. as aforesaid.

Course 4:

Thence S 88° 21' 50" E, along said northerly line of Clark Ave. S.W. 1313.75 feet to the place of beginning containing approximately seven acres of land, be the same more or less, but subject to and excluding and reserving from the above described premises, that part thereof, conveyed to the City of Cleveland, by deed dated March 8, 1915, and recorded in Volume 1619, Page 67 and Volume 87-7204, Page 57 of Cuyahoga County Deed Records.

Parcel No. II

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 86, bounded and described as follows:

Beginning at the Northeasterly corner of a parcel of land conveyed by The Cuyahoga Valley Realty Company to the Highway Construction Company of Ohio, Inc., by Deed dated January 27, 1944, recorded in Volume 5657, Page 522 of Cuyahoga County Deed Records, said point being also the point of intersection of the Northerly line of the land so conveyed with the Westerly line of a parcel of land conveyed by The Cuyahoga Valley Realty Company to the City of

Cleveland by Deed dated September 30, 1942, recorded in Volume 5472, Page 98 of Cuyahoga County Deed Records, said last mentioned line being also a line running parallel to and 80 feet distant by rectangular measurement from the Northwest line of the Baltimore and Ohio Railroad Company right of way, such point of intersection being 295.88 feet distant from the point of intersection of the Westerly line of the parcel so conveyed to the City of Cleveland, with the Northerly line of Clark Avenue S.W., as the principal place of beginning.

Course 1:

Thence North 88° 21' 50" West along the Northerly line of the parcel of land so conveyed by The Cuyahoga Valley Realty Company to The Highway Construction Company of Ohio, Inc., by said Deed dated January 27, 1944, a distance of 1472 feet to a point which is the Northwesterly corner of the land so conveyed.

Course 2:

Thence North 1° 38' 10" East along the projection Northerly of the Westerly line of the parcel of land so conveyed as aforesaid, a distance of 60 feet to a point.

Course 3:

Thence South 88° 21' 50" East along a line parallel to and 60 feet distant by rectangular measurement from the Northerly line of a parcel of land so conveyed by said Deed dated January 27, 1944, a distance of 1509.98 feet, more or less, to a point of intersection with the Westerly line of the parcel of land conveyed as aforesaid by The Cuyahoga Valley Realty Company to the City of Cleveland.

Course 4:

Thence South 33° 58' 10" West along a line parallel to and 80 feet distant by rectangular measurement from the Northwest line of the Baltimore and Ohio Railroad Company's right of way, said line being also the westerly line of said parcel of land so conveyed to the City of Cleveland by said Deed dated September 30, 1942, a distance of 71.01 feet, more or less, to the point or place of beginning, containing 2.054 acres of land; but subject to and excluding and reserving from the above described premises, that part thereof, conveyed to the City of Cleveland, by deed dated March 8, 1915, and recorded in Volume 1619, Page 67 and Volume 87-7204, Page 57 of Cuyahoga County Deed Records.

**AUDITOR PERMANENT
PARCEL NO. 008-09-089**

Parcel No. III

All that certain parcel of Real estate situated in the City of Cleveland, County of Cuyahoga, State of Ohio, to wit:

Known as being all of Sublots #15 and #16 and parts of Sublots 17 & #18 and #19 in the Cuyahoga Valley Realty Company's Subdivision #2 of part of original Brooklyn Twp. Lots #71 and #86 as recorded in Volume 50, Page 21 of Cuyahoga County Map Records and bounded and described as follows: - Beginning on the Northerly line of Clark Avenue, S.W. at its intersection with the Easterly

line of West 11th St.; thence easterly along said northerly line of Clark Avenue, S.W. 200 feet to the easterly line of said Sublot #19; thence northerly along said easterly line 100 feet to the northerly line thereof; thence westerly along the northerly line of the aforesaid Sublots #15, #16, #17, #18 and #19, 200 feet to said easterly line of West 11th St.; thence southerly along said easterly line 100 feet to the place of beginning, but subject to and excluding and reserving from the above described premises, that part thereof, conveyed to the City of Cleveland, by deed dated March 8, 1915, and recorded in Volume 1619, Page 67 and Volume 87-7204, Page 57 of Cuyahoga County Deed Records.

**AUDITOR PERMANENT
PARCEL NO. 008-29-003**

Parcel No. IV

All of that certain parcel of Real Estate situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lots Nos. 71 and 86 and bounded and described as follows:

Beginning on the northerly line of Clark Avenue, S.W. (63 feet wide) at its intersection with the easterly line of West 11th Street (45 feet wide); thence S. 88 degrees 21 minutes 50 seconds E. along said northerly line of Clark Avenue, S.W. 200.00 feet to the easterly line of Sublot No. 19 in the Cuyahoga Valley Realty Company's Subdivision No. 2, of part of Original Brooklyn Township Lots Nos. 71 and 86, as recorded in Volume 50, Page 21 of Cuyahoga County Map Records; which point is the principal place of beginning, thence continuing along said northerly line of Clark Avenue, S.W. S. 88 degrees 21 minutes 50 seconds E. 369.99 feet to the westerly line of land conveyed to the Highway Construction Company of Ohio, Inc., by deed dated January 27, 1944 and recorded in Volume 5657, Page 522 of Cuyahoga County Deed Records; thence N. 1 degree 38 minutes 10 seconds E. along said westerly line and also the westerly line of land conveyed to said Highway Construction Company of Ohio, Inc. by deed dated October 20, 1944 and recorded in Volume 5861, Page 269 of Cuyahoga County Deed Records, 310.00 feet to the northerly line of the last aforesaid conveyance; thence N. 88 degrees 21 minutes 50 seconds W. parallel with said northerly line of Clark Avenue, 497.77 feet to the easterly line of said Cuyahoga Valley Realty Company's Subdivision No. 2; thence S. 6 degrees 31 minutes 50 seconds E. along the easterly line of said Subdivision No. 2, 95.69 feet to the northerly line of land conveyed to Mike and Marie Hlatky, by deed dated October 14, 1919 and recorded in Volume 2370, Page 26 of Cuyahoga County Deed Records; thence N. 83 degrees 28 minutes 10 seconds E. along said northerly line, 5.00 feet to the easterly line of land so conveyed to Mike and Marie Hlatky; thence S. 6 degrees 31 minutes 50 seconds E. along said easterly line 34.98 feet to the northerly line of land conveyed to Peter and J. Ryba, by deed dated May 26, 1921 and recorded in Volume 2476, Page 633 of Cuyahoga County Deed Records; thence N. 83 degrees 28 minutes 10 seconds E.

along said northerly line 10.00 feet to the easterly line of land so conveyed to Peter and J. Ryba; thence S. 6 degrees 31 minutes 50 seconds E. along said easterly line and the easterly line of land conveyed to Antoni and A. Kaczar by deed dated August 7, 1924 and recorded in Volume 3116, page 195 of Cuyahoga County Deed Records, 81.49 feet to the northerly line of Sublot No. 17, in the aforesaid Cuyahoga Valley Realty Company's Subdivision No. 2; thence S. 88 degrees 21 minutes 50 seconds E. along said northerly line and the northerly line of Sublots Nos. 18 and 19 in said Subdivision, 83.82 feet to the easterly line of said Sublot No. 19; thence S. 2 degrees 18 minutes 40 seconds W. along said easterly line, 100.00 feet to the principal place of beginning; subject to and excluding and reserving from the above described premises, that part thereof, conveyed to the City of Cleveland, by deed dated March 8, 1915, and recorded in Volume 1619, Page 67 and Volume 87-7204, Page 57 of Cuyahoga County Deed Records.

**AUDITOR PERMANENT
PARCEL NUMBER 008-09-090**

Parcel No. V

All that certain parcel of Real Estate situated in the City of Cleveland, County of Cuyahoga, State of Ohio, to wit:

Known as being part of Sublot No. 21 in the Cuyahoga Valley Realty Company's Subdivision No. 2 of part of Original Brooklyn Township Lot No. 71 as shown by the recorded plat in Volume 50 of Maps, Page 21 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of West 11th Street at the Northwesterly corner of Sublot No. 21; thence Southerly 31 feet along the said Easterly line of West 11th Street to a point; thence Easterly 76 feet parallel with the Southerly line of Sublot No. 21 to a point; thence Northerly 31 feet parallel with the said Easterly line of West 11th Street to a point in the Northerly line of said Sublot No. 21; thence Westerly 76 feet along the Northerly line of said Sublot No. 21 to the place of beginning.

Prior Instrument Reference: Volume 12132 of Deeds, Page 131.

**AUDITOR PERMANENT
PARCEL NUMBER 008-09-063**

Parcel No. VI

All that certain parcel of Real Estate situated in the City of Cleveland, County of Cuyahoga, State of Ohio, to wit:

Known as being part of Original Brooklyn Township Lot No. 71 and all of Sublot No. 20 in the Cuyahoga Valley Realty Company's Subdivision No. 2 of part of Original Brooklyn Township Lots Nos. 71 and 86, as shown by the recorded plat in Volume 50 of Maps, Page 21 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Easterly line of West 11th Street at the Southwesterly corner of said Sublot No. 20; thence Northerly along said Easterly line of West 11th Street 30 feet to the Northwesterly corner of said Sublot No. 20; thence Easterly along said Northerly line of said

Sublot No. 20 and said Northerly line prolonged Easterly 115 feet to a point in the Easterly line of land conveyed by the Cuyahoga Valley Realty Company to Emilie Kelley by deed dated April 4, 1916 and recorded in Volume 1791, Page 347 of Cuyahoga County Records; thence Southerly along said Easterly line of land so conveyed 46.52 feet to a point in the Northerly line of Sublot No. 17 in said Subdivision; thence Westerly along the Northerly line of said Sublot No. 17 and the Southerly line of said Sublot No. 20, 116.18 feet to the place of beginning.

Prior Instrument Reference: Volume 12132 of Deeds, Page 123.

**AUDITOR PERMANENT
PARCEL NO. 008-09-062**

Parcel No. VII

All that certain parcel of Real Estate situated in the City of Cleveland, County of Cuyahoga, State of Ohio, to wit:

Known as being part of Sublot No. 21 in the Cuyahoga Valley Realty Company's Subdivision No. 2 of part of Original Brooklyn Township Lot No. 71, as shown by the recorded plat in Volume 50 of Maps, Page 21 of Cuyahoga County Records, and other land in said original Lot No. 71, and together bounded and described as follows:

Beginning on the Easterly line of West 11th Street at the Southwesterly corner of said Sublot No. 21; thence North 4 feet along said Easterly line of West 11th Street to a point; thence Easterly 76 feet parallel with the Southerly line of said Sublot No. 21 to a point, thence Northerly 31 feet parallel with the said Easterly line of West 11th Street to a point in the Northerly line of said Sublot No. 21; thence Easterly 39 feet along the Northerly line of said Sublot No. 21 and its Easterly prolongation to a point; thence Southerly 35 feet parallel with the said Easterly line of West 11th Street to a point in the Easterly prolongation of the Southerly line of said Sublot No. 21; thence Westerly 115 feet along the Easterly prolongation of the Southerly line of said Sublot No. 21 and along the Southerly line of said Sublot No. 21 to the place of beginning.

Prior Instrument Reference: Volume 12132 of Deeds, Page 127.

Section 4. That, the Director of Public Works is authorized to exercise the Option to Purchase Agreement.

Section 5. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and notwithstanding the receipt of grant funding authorized in Section 1 of this ordinance, the Director of Public Works and Commissioner of Purchases and Supplies are authorized to purchase the Stage 3 Strategic Properties.

Section 6. That the Director of Public Works is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and record the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 7. That the consideration to be paid for this property shall not

exceed fair market value as determined by the Board of Control which shall not exceed \$350,000.00.

Section 8. That the Director of Public Works is authorized to enter into one or more agreements with the State of Ohio, Cuyahoga County, Cleveland Metroparks, Ohio Canal Corridor, or other entities needed to effectuate this ordinance.

Section 9. That the Director of Public Works is authorized to send payment to Cuyahoga County for the City's cost of the assessment and remediation of the Stage 3 Strategic Properties.

Section 10. That the contract or contracts, and Option to Purchase Agreements authorized by this ordinance shall be prepared by the Director of Law.

Section 11. That the cost of the property acquisitions and payment to the County shall be paid from the fund or funds that are credited the proceeds of the grant accepted under this ordinance and up to \$350,000 from Fund No. 20 SF 522.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 15, 2012.

Effective October 15, 2012.

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 1508, RL 2012-56)

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

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

Passed October 15, 2012.

Effective October 17, 2012.

Ord. No. 1488-12.

By Council Member Brancatelli.

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

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

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

Whereas, under Ordinance No. 1431-11, passed October 24, 2011, this Council extended the moratorium declared by Ordinance No. 1367-10 until April 24, 2012; and

Whereas, under Ordinance No. 538-12, passed April 16, 2012, this Council extended the moratorium declared by Ordinance No. 1367-10 until October 24, 2012; and

Whereas, this Council has been researching internet sweepstakes operations in order to make a determination regarding their classification under the City's zoning code, and possible regulations associated with their activities; and

Whereas, the Ohio General Assembly passed Am. Sub. H.B. No. 386, effective June 11, 2012, that imposed a moratorium on all new sweepstakes operations while statewide legislation regulating such establishments is being considered; and

Ord. No. 1453-12.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of paper products, for the various divisions of City government for a period of one year with an option to renew for one additional year, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period with an option to renew for one additional year, exercisable by the Director of Finance, of the necessary items of paper and envelopes for the various divisions of City government, including but not limited to various paper, and envelopes in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that an extension of the moratorium on such internet sweepstakes operations, consistent with the State imposed moratorium is needed while statewide legislation is being considered, and to allow this Council time to consider all relevant factors in order to make a determination as to what action is appropriate for the City; now, therefore

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

Section 1. That the moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for internet sweepstakes operations in the City of Cleveland declared under Ordinance No. 1367-10 passed October 18, 2010, as amended by Ordinance No. 508-11, passed April 11, 2011, Ordinance No. 1431-11, passed October 24, 2011, and Ordinance No. 538-12, passed April 16, 2012, is hereby extended until June 30, 2013, or until the effective date of an ordinance or law regulating internet sweepstakes operations, whichever date occurs first.

Section 2. That, as used in this ordinance, "internet sweepstakes operations" shall have the same meaning as in Ordinance No. 1367-10.

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

Passed October 15, 2012.
Effective October 17, 2012.

Ord. No. 1493-12.
By Council Members Cleveland, Reed and Mitchell.
An emergency ordinance amending the Title and Section 1. Of Ordinance No. 577-12 passed April 23, 2012 as it

pertains to the EL Hasa Temple No. 28 Shrine Temple project for building renovations and interior improvements through the use of Ward (s) 5, 2 and 6 Neighborhood Capital Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance Number 577-12 passed April 23, 2012 are hereby amended to read as follows:

An Emergency Ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with the El Hasa Temple No. 28 Shrine Temple owned by Mr. William Strawbridge located at 10004 Union Avenue, Cleveland, Ohio or it's designee the Mt. Pleasant Community Zone for building renovations and interior improvements through the use of Ward(s) 5, 2 and 6 Neighborhood Capital Funds.

Section 1. That the Director of the Department of Economic Development be authorized to enter into an agreement with the El Hasa Temple No. 28 Shrine Temple owned by Mr. William Strawbridge located at 10004 Union Avenue, Cleveland, Ohio or it's designee the Mt. Pleasant Community Zone for the public purpose of exterior building renovations and interior improvements for economic development and new job creation in the city of Cleveland through the use of Ward(s) 5, 2 and 6 Neighborhood Capital Funds.

Section 2. That the Title and Section 1 of Ordinance Number 577-12 passed April 23, 2012 are hereby repealed.

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

Passed October 15, 2012.
Effective October 17, 2012.

COUNCIL COMMITTEE MEETINGS

**Monday, October 22, 2012
11:00 a.m.**

Public Service Committee: CANCELLED

2:00 p.m.

Finance Committee: Present: Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook, Zone.

**Tuesday, October 23, 2012
9:30 a.m.**

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

1:30 p.m.

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

**Wednesday, October 24, 2012
10:00 a.m.**

Aviation and Transportation Committee: Present: Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Kelley, Mitchell.

1:00 p.m.

City Planning (Zoning) Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

1:30 p.m.

City Planning Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

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O—Ordinance; R—Resolution; F—File

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