

The City Record

Official Publication of the Council of the City of Cleveland



August the First, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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

Containing	PAGE
City Council	3
The Calendar	4
Board of Control	4
Civil Service	6
Board of Zoning Appeals	9
Board of Building Standards and Building Appeals	10
Public Notice	10
Public Hearings	10
City of Cleveland Bids	11
Adopted Resolutions and Ordinances	11
Committee Meetings	16
Index	16



DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 99

WEDNESDAY, AUGUST 1, 2012

No. 5147

CITY COUNCIL

WEDNESDAY, JULY 25, 2012

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland
The City Record is available
online at
www.clevelandcitycouncil.org
Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

1:30 P.M. — **Employment, Affirmative Action and Training Committee:** Pruitt, Chair; Miller, 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:** Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Wednesday, July 25, 2012

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

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

Also present were Interim Director Langhenry and Director Dumas.

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

MOTION

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

COMMUNICATIONS

File No. 1019-12.
Official Call for Special Meeting of Council on Wednesday, July 25, 2012.

Received.

File No. 1020-12.

July 25, 2012

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

Dear Mr. Dreyer:

In the absence of Clerk Patricia J. Britt, you are hereby requested, without objection, to serve as Clerk of Council Pro Tempore for the purposes of the Special Meeting of Council on July 25, 2012.

Your assistance is appreciated.

Sincerely,
Martin J. Sweeney,
President Council

Received.

SECOND READING ORDINANCE PASSED

Ord. No. 952-12.

By Council Member Kelley.

An ordinance to amend Sections 1 and 2 of Ordinance No. 550-12, passed April 30, 2012, regarding the amendment and extension of the franchise with Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes.

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

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

MOTION

By Council Member Kelley, seconded by Council Member Cleveland and unanimously carried that the absence of Council Members Joe Cimperman and Eugene R. Miller, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 1:20 p.m. to meet at the Call of the Chair.



Allan Dreyer
City Clerk, Clerk of Council
Pro Tempore

THE CALENDAR

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

NONE

BOARD OF CONTROL

July 25, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 25, 2012 at 10:45 a.m. with Interim Director Langhenry presiding.

Present: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Absent: Mayor Jackson, Directors Dumas and Rybka.

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

Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 364-12.

By Director Smith.

Whereas, under the authority of Ordinance No. 1544-09, passed by the Council of the City of Cleveland on November 23, 2009, the City through its Director of Port Control, entered into a lease ("Lease") with Brown Eagle Construction, LLC, City Contract No. 69925, for the use and occupancy of approximately 715 square feet of space in the terminal building at Burke Lakefront Airport; and

Whereas, City Contract No. 69925 prohibits transfer of the Lease in any manner whatsoever without prior authorization of the City through resolution of this Board of Control; and

Whereas, by letter dated May 7, 2012 Evolution Construction Services, LLC notified the City that it acquired all of the outstanding shares of common stock of Brown Eagle Construction, LLC and requested the City's consent to the assignment of all Brown Eagle Construction, LLC's interests and certain obligations under City Contract No. 69925, without waiving any of Brown Eagle's obligations or the City's rights under the contract against Brown Eagle prior to the effective date of assignment; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the request of Evolution Construction Services, LLC by its May 7, 2012 letter, this Board consents to the assignment of City Contract No. 69925 to Evolution Construction Services, LLC effective July 1, 2012.

Be it further resolved that the Director of Port Control is authorized to execute all documents and to do all things necessary and appropriate to implement the consent authorized, provided that the terms of such assignment do not conflict with the terms and conditions of City Contract No. 69925.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Rybka.

Resolution No. 365-12.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Vandra Brothers Construction Company for the public improvement of Intersection Improvements (Lorain Avenue and West 65th Street, Lorain Avenue and West 53rd Street, Walworth Avenue and West 55th Street and Resurfacing West 53rd Street), all items, for the Division of Engineering and Construction, Office of Capital Projects, received on July 11, 2012, under the authority of Ordinance No. 399-12 passed by Cleveland City Council on May 14, 2012, upon a unit price basis for the improvement, in the aggregate amount of \$507,481.43, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Vandra Brothers Construction Company for the above-mentioned public improvement is approved:

Tech Ready Mix, Inc.
(CSB/FBE) — \$59,000.00 (11.63%)

Trafftech, Inc.
(CSB/MBE) — \$81,000.00 (15.96%)

Fabrizi Trucking &
Paving Company, Inc.
(other) — \$9,000.00

Burton Scot Contractors LLC
(other) — \$89,000.00

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Rybka.

Resolution No. 366-12.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc. for the public improvement of Flats East Bank Roadway Enhancements (Main Avenue, West 9th Street, West Lakeside Avenue), all items, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, received on June 28, 2012, under the authority of Ordinance No. 663-12 passed by Cleveland City Council on June 4, 2012, upon a unit price basis for the improvement, in the aggregate amount of \$2,090,460.06, is affirmed and approved as the lowest responsible bid, and the Director of the Mayor's Office of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Perk Company, Inc. for the above-mentioned public improvement is approved:

Tech Ready Mix
(CSB/MBE) — \$176,800.00 (8.46%)

Cuyahoga Supply and Tool, Inc.
(Other) — \$39,680.00 (1.90%)

Trafftech, Inc.
(CSB) — \$53,892.00 (2.58%)

CorStone, Ltd.
(CSB/MBE/FBE) — \$360,766.00
(17.26%)

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Rybka.

Resolution No. 367-12.

By Director Cox.

Whereas, under the authority of Ordinance No. 10-12 passed May 14, 2012 by the Council of the City of Cleveland, the Director of Public Works is authorized to enter into a concession agreement on the basis of competitive proposals, for the operation of the Highland Park Golf Course including food and beverage concessions, pro shop, merchandise and sales, marketing, and all other golf course and hospitality-related management services at Highland Park Golf Course, and,

Whereas, Ordinance No. 10-12 also authorizes the Director of Public Works to enter into this concession agreement for a period of ten years, with two five-year options to renew, both of which are exercisable through additional legislative authority, provided that the green fees charged shall not exceed the rates specified in divisions (a), (b), and (d) of Section 131.31 of the Codified Ordinances (C.O.) of Cleveland, Ohio, 1976, and,

Whereas, Ordinance No. 10-12 also provides that the selection of the concessionaire shall be made by the Board of Control on the nomination of the Director of Public Works; now, therefore,

Be it resolved that the Director of Public Works is authorized to enter into a concession agreement with M.A.N. GOLF Ohio LLC for the above-mentioned services, based upon its proposal dated July 14, 2011, which agreement shall be prepared by the Director of Law, and shall contain such terms and conditions as the Director of Public Works deems appropriate to protect and benefit the interests of the City.

Be it further resolved that M.A.N. GOLF Ohio, LLC will pay the City of Cleveland in accordance with the schedule as stated in the company's proposal and set forth as follows:

<u>Years</u>	<u>Gross Revenue</u> <u>City Percentage</u>
1st five years	\$0-\$800,000 0% \$800,001 & above 5%
6th year and beyond	\$0-\$800,000 5% \$800,001-\$1,000,000 10% \$1,000,001 & above 15%

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Rybka.

Resolution No. 368-12.

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization 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. 117-15-017, located at 17220 Endora Road in Ward 10; and

Whereas, Ordinance No. 1290-09 passed June 4, 2012, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; 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, Bernard and Eloise Lemon have proposed to the City to purchase and develop the parcel for Yard Expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1290-09 passed June 4, 2012, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland, with Bernard and Eloise Lemon for the sale and development of Permanent Parcel No. 117-15-017, as described in the Ordinance 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 parcel shall be \$400.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Rybka.

Resolution No. 369-12.

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. 002-34-056 located 1931 West 50th Street in Ward 15; and

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

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

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Matthew T. Denholm for the sale and development of Permanent Parcel No. 002-34-056 located on 1931 West 50th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Rybka.

Resolution No. 370-12.

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. 137-01-004, 137-01-078, 137-01-079 and 137-01-109 located on East 116th Street and East 117th Street in Ward 6; and

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

Whereas, Mark Mustafa has proposed to the City to purchase and develop the parcels for new construction; and

Whereas, the following conditions exist:

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

2. The proposed purchaser of the 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 Mark Mustafa for the sale and development of Permanent Parcel Nos. 137-01-004, 137-01-078, 137-01-079 and 137-01-109 located on East 116th Street and East 117th 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 parcels shall be \$10,000.00, 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 Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Rybka.

Resolution No. 371-12.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 008-07-029 located at 3139 West 16th Street in Ward 14; and

Whereas, Board of Control Resolution No. 328-12, adopted July 11, 2012, inaccurately authorized the lease of Permanent Parcel No. 008-07-029 to Slavic Village Development, as part of the City Land Reutilization Program established under Ordinance No. 2076-76, passed by the Cleveland City Council on October 25, 1976; and

Whereas, Tremont West Development Corporation has proposed to the City to lease and develop the parcel for green space; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has approved the proposed lease or has not disapproved or requested a hold of the proposed lease within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 328-12 adopted July 11, 2012 is rescinded.

Be it further resolved, that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute a lease for a term of five years which the Director of Community Development may terminate at the end of any term year upon 30

days' prior written notice, for and on behalf of the City of Cleveland, with Tremont West Development Corporation for the lease and development of Permanent Parcel No. 008-07-029 located at 3139 West 16th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the lease of the parcel shall be \$1.00 per year, which amount is determined to be not less than fair rental value of the parcel for uses according to the program.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Flask, Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Rybka.

LEWIS DOLEZAL,
Acting Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

CIVIL SERVICE NOTICE

ANNOUNCEMENTS — 2012
8/10/12 — 8/16/12

Annou- cement No.	Exam Method	Classi- fication	Exam Type
95	EE	Correctional Officer	Open
96	WR	Paralegal	Open
97	WR	Plumber	Open
98	WR/TY	Telephone Operator	Open
84a	EE	Police Stress Consultant	N/C

PROOF OF CITY RESIDENCY

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

Lease - from rental agency.

Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.

Utility bills bearing the property address **and** your name.

Post Office change of address form properly date stamped.

Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

Bank statements (Within last three months).

School registration of children.

Car insurance documents.

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

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

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

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

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

Library cards.

Voter registration cards.

Birth certificates.

Notarized letters or affidavits.

Social Security card.

Rental receipts from independent party without cancelled checks or money order receipt.

line or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, AUGUST 10, 2012 UNTIL 4:30 P.M. ON THURSDAY, AUGUST 16, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, AUGUST 16, 2012.

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

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION: Applicants will be notified of the time, date, and place of the exam by U.S. Mail.

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

DUTIES OF THE POSITION

Under immediate supervision, assumes responsibility for the custody of inmates. Escorts, transports, and guards inmates as required. Maintains discipline and order among inmates and their conformance to rules and regulations to prevent escape. Supervises the conduct of inmates during meal times. Develops and assigns work assignments to inmates and supervises their work while at the facility. Controls unruly inmates using proper procedures and techniques. Books prisoners. Searches inmates entering buildings in an approved manner for restricted items. Checks prisoners in and out of facilities as required. Makes bed checks and performs head counts. Patrols assigned posts and other areas including cellblocks, corridors, and the general premises in a vigilant manner. Locks and unlocks doors as required. Maintains security over guns and facility keys. Guards buildings and grounds against unauthorized trespass, theft, or damage from fire or other causes. Carries out orders and directives as assigned. Prepares daily reports, logs, and other documents, as required, to properly document daily work and activities. Performs LEADS record checks regarding inmates. Utilizes division's record management system. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 95

CORRECTIONAL OFFICER (OPEN)

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

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$12.18 - \$16.88 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available on-

A High School Diploma or GED is required. Must obtain an O.P.A.T.A. Correctional Officer's certification within one year of the date of hire. Must also complete an approved firearm training course and qualify with a .38 caliber weapon within one year of the date of hire. Must be computer literate and be able to lift and carry a minimum of 40 lbs. A valid State of Ohio Driver's License is required. Must be capable of becoming LEADS certified within 60 days of the date of hire.

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

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

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

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

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 96

PARALEGAL (OPEN)

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

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$42,428.01 per year.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM

8:30 A.M. ON FRIDAY, AUGUST 10, 2012 UNTIL 4:30 P.M. ON THURSDAY, AUGUST 16, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, AUGUST 16, 2012.

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

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION: Applicants will be notified of the time, date, and place of the exam by U.S. Mail.

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

DUTIES OF THE POSITION

Under supervision, performs legal research and provides paralegal support services. Assists attorneys in trial preparations and aids in the preparation of responsive court papers. Organizes case files. Summarizes depositions. Drafts correspondence. Drafts and/or reviews contracts. Researches legal issues presented, case law on topic, and arguments asserted by pleadings to appropriately respond. Assists docket clerk with court filings and deliveries. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. Must be a graduate of an American Bar Association accredited paralegal program with an Associate's Degree with Paralegal certificate or have obtained a Law Degree from an accredited institution. Two years of full time paid legal experience is preferred. Must have a knowledge of computers, including Microsoft Word and Westlaw software. Must be familiar with internet resources including general and legal research.

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

tion. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

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

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

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 97

PLUMBER (OPEN)

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

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$33.53 - \$41.34 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, AUGUST 10, 2012 UNTIL 4:30 P.M. ON THURSDAY, AUGUST 16, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, AUGUST 16, 2012.

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

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION: Applicants will be notified of the time, date, and place of the exam by U.S. Mail.

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

DUTIES OF THE POSITION

Under supervision, installs, maintains, and repairs piping systems and fixtures other than those for steam under high pressure. Performs related duties as required. TYPICAL TASKS: Installs hot and cold water lines and piping, low pressure steam lines and piping, oil lines and piping, and gas lines and piping. Constructs

and installs pipe railings. Installs sewer connections. Installs and replaces tubing in condensers, hot water heaters, tanks, and other equipment. Installs, replaces, or repairs valves, thermostats, and other fittings. Connects, replaces, or repairs wash basins, toilets, hot water heaters, boilers, hot water tanks, pumps, and other fixtures and equipment. Packs pumps and valves. Cleans sewer connections and other piping. Taps water and sewer mains and laterals. Tightens and tests joints. Cuts, threads, and fits pipe. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. A valid State of Ohio Driver's License is required. Must have completed a Plumber Apprenticeship program or equivalent and have a Journeyman Plumber's License. Must be able to lift and carry 50 pounds.

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

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

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

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 98

TELEPHONE OPERATOR (OPEN)

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

SALARY

The prevailing salary range for this position as established by Ordinance

of the Council of the City of Cleveland is \$10.00 - \$16.48 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, AUGUST 10, 2012 UNTIL 4:30 P.M. ON THURSDAY, AUGUST 16, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, AUGUST 16, 2012.

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

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION: This portion of the exam will be worth 60 percent of applicant's final grade. **TYPING EXAMINATION:** Applicants MUST be able to type 30 wpm. Failure to type the minimum words per minute will result in a zero as the final score. This portion of the exam will be worth 40 percent of applicant's final grade. Applicants will be notified of the time, date, and place of the exams by U.S. Mail.

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

DUTIES OF THE POSITION

Under supervision, answers and forwards incoming phone calls, sends and receives e-mail. Uses fax, copier, scanner and other office equipment to communicate with internal and external customers. Provides and/or researches information. Responds to complaints and requests for services. Prepares various forms, reports, work orders or other documents. Performs data entry. Performs other job-related duties as assigned. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. One year of experience in customer service is required. The ability to speak a second language is preferred. Must have a working knowledge of the operation of computers and or other data terminals.

Must have good written and verbal communication skills. Typing Speed of 30 wpm is required. Must be able to work any shift or days assigned. Must be able to lift and carry 30 pounds.

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

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

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

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

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 84A

POLICE STRESS CONSULTANT (NON-COMP)

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

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$60,000.00 - \$105,000.00 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, AUGUST 10, 2012 UNTIL POSITION IS FILLED.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER THE POSITION IS FILLED.

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

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's eligibility will be determined based on Education and Experience found in Resume.

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

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

DUTIES OF THE POSITION

Under general direction, develops and implements departmental policies, projects, and procedures to promote employee health. Provides psychological counseling and/or referral to external support agencies as required. Conducts critical incident debriefings. Meets and provides counseling support to employees at the workplace, alternate locations, or in private. Provides assistance with mental health concerns. Develops and implements psychological education programs and classes for the Cleveland Division of Police Training Academy. Performs other job-related duties as directed. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. A Bachelor's Degree in Psychology, Sociology, Social Services, or closely related field from a four year accredited college or university is required. Must be a licensed psychologist or psychiatrist in the State of Ohio. Must have 10 years experience in the diagnostic evaluation of mental and emotional disorders as well as possess training and 5 years experience in the evaluation of law enforcement and public safety personnel. Must be familiar with relevant state and federal statutes and case law as well as other legal requirements related to employment and personnel practices (e.g., disability, privacy, third-party liability, etc.). Must be qualified and prepared by training and experience to qualify as an expert in any related adjudicative proceeding. A valid State of Ohio Driver's License is required.

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

if copies are not submitted with application at time of filing.

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

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,
President

August 1, 2012

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 13, 2012

9:30 A.M.

Violation Notice

Calendar No. 12-121: 6816 Fullerton Avenue (Ward 12)

Olusola Ademuyiwa appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered from a hearing held by the City of Cleveland Parking Violations Bureau Photo Safety Division upon the violation described on Civil Infraction Ticket Number WC00094003 issued April 13, 2012 for the property located at 6816 Fullerton Avenue and failure to comply with the provisions under Section 551.991 in the Cleveland Codified Ordinances.

Violation Notice

Calendar No. 12-122: 2413 Mira Court (Ward 13)

Cicerchi Development Company appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered from a hearing held by the City of Cleveland Parking Violations Bureau Photo Safety Division upon the violation described under Civil Infraction Ticket Number WC00114140, issued June 1, 2012 for the property located at 2413 Mira Court and failure to comply with the provisions under Section 551.991 in the Cleveland Codified Ordinances.

Calendar No. 12-123: 1960 Columbus Road (Ward 3)

Kamis Properties LLC, owner, appeals to erect a four-story, 2,450 square foot single family house on a 2,177 square foot lot in a C3 Semi-Industry District; contrary to Section 355.04(a) and the provisions for a "C" area district, a square foot gross floor area of 2,450 is proposed, exceeding one-half the lot size that allows a 1,088 square foot gross floor area; proposing a 28 foot minimum lot width contrary to 40 feet that is required; and a minimum lot area of 2,177 square feet is proposed contrary to 4,800 square feet that is required for a single family dwelling; and subject to the provisions under Section 357.09(b)(2)(B), the width of any interior side yard shall not be less than one-fourth the height of the main building on the premises and a height of 42 feet

requires interior side yards of 10 feet and a width of 4 feet is proposed.

Violation Notice

Calendar No. 12-124: 3400 West 130th Street (Ward 17)

Joseph Barron appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered from a hearing held by the City of Cleveland Parking Violations Bureau Photo Safety Division upon the violation described under Civil Infraction Ticket Number WC00136804, issued June 8, 2012 for the property located at 3400 West 130th Street and failure to comply with the provisions under Section 551.111(B) in the Cleveland Codified Ordinances.

POSTPONED FROM JULY 16, 2012

Calendar No. 12-112: 4600 West 160th Street (Ward 18)

MWTP LLC, owner, appeals to remove an existing static 14' x 48' billboard sign and replace it with the same size automatic, changeable copy sign on an acreage parcel in a B3 General Industry District; contrary to the provisions under Section 350.10(j) which specify that billboards shall be illuminated only by means of continuous reflected light and that internally-illuminated or back-lit billboards are not permitted and shall not include automatic changeable copy sign; i.e. electronic message centers. (Filed 6-27-12; no testimony taken.)

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 30, 2012

At the meeting of the Board of Zoning Appeals on Monday, July 30, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-115: 3319 West 129th Street

Elizabeth Ford appealed to rebuild a front porch 12' x 8' with a 6' x 8' addition to a one family house in an A1 One Family District.

Calendar No. 12-116: 5320 Delora Avenue

Mary Sweeney appealed to erect a 7'-6" x 4' masonry stairs projecting from a front porch of a one family house in a B1 Two-Family District.

Calendar No. 12-99: 11483 Hessler Road

Plaza Investments and Mark Freemont appealed to expand from 14 to 15 units an existing nonconforming apartment building in an E2 Multi-Family District.

Calendar No. 12-102: 17815 Landseer Road

Robon Vanek and Robert Sutt appealed to erect a one-story frame sunroom to the rear wall of a one family house in an A1 One-Family District.

The following appeals were **DISMISSED**:

Calendar No. 12-84: 2102 Freeman Avenue

Jeff Eisenberg appealed to add live entertainment (amusement use) and an outdoor patio to a tavern in a C3 Semi-Industry District.

Calendar No. 12-103: 10926 Hampden Avenue

Lenora Kelton appealed to erect 100 linear feet of 4 foot high chain link fence and a gate on a parcel in a B1 Two-Family District.

The following appeals were **POSTPONED**:

Calendar No. 12-118: 4030 East 131st Street postponed to August 20, 2012.

Calendar No. 12-72: 2884 Scranton Road postponed to September 10, 2012.

The following appeals heard by the Board on July 23, 2012 were adopted and approved on July 30, 2012.

The following appeals were **APPROVED**:

Calendar No. 12-110: 7200 Brookpark Road

M&G Equities, owner, and HH Gregg appealed to erect wall signs on a Building in C1 General Retail Business and C3 Semi-Industry Districts.

Calendar No. 12-114: 4159 Lee Road

Golden Arch Realty Corporation appealed for an expansion of restaurant use to include a drive through lane in a C1 General Retail Business District; subject to conditions.

The following appeal heard by the Board on May 21, 2012 was adopted and approved on July 30, 2012.

The following appeal was **APPROVED**:

Calendar No. 12-39: 4173 East 71st Street

Falls Realty appealed for a change from tire sales to motor vehicle major repair use in a B1 General Retail Business District; subject to conditions.

The following appeal heard by the Board on June 4, 2012 and postponed to September 17, 2012 was requested to be withdrawn by the appellant on July 23, 2012.

The following appeal was **WITHDRAWN**:

Calendar No. 12-64: 662 East 140th Street

Joseph Saleh appealed to establish a retail grocery store in a mixed use building in a C1 Residence Office District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE REQUEST FOR PROPOSALS

The City of Cleveland is accepting proposals for an Automated Scrap Materials & Used Goods Transaction Information Management System. Dates of acceptance are from July 30 to August 17, 2012. The complete RFP can be found on the City of Cleveland website: www.city.cleveland.oh.us. Contact person is Deputy Chief Leroy Morrow at 216-623-5009.

July 25, 2012, August 1, 2012, August 8, 2012 and August 15, 2012

NOTICE OF PUBLIC HEARING

Notice of Public Hearing
By the Council Committee
On City Planning

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, August 8, 2012
9:00 a.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on August 8, 2012, at 9:00 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 275-12.

By Council Member Cimperman
An ordinance to change the Use District of land located on the southeast corner of Bridge Avenue and West 30th Street to Local Retail Business (Map Change No. 2386 Sheet No. 1).

Ord. No. 845-12.

By Council Members Zone and Cimperman.

An ordinance establishing a Pedestrian Retail Overlay Special Sign (PRO-S) District on the north and south sides of Lorain Road between West 52nd Street and Gehring Street and the east and west sides of West 25th Street between Jay Avenue and Chatham Avenue as shown shaded on the attached map (Map Change No. 2394, Sheet Number 1)

All interested persons are urged to be present or to be represented at the above time and place.

Phyllis E. Cleveland
Chair
Committee on City Planning

July 25, 2012 and August 1, 2012

1204

NOTICE OF AVAILABILITY AND PUBLIC HEARING

The City of Cleveland, Department of Port Control will conduct a Public Workshop and Hearing to present the Environmental Assessment (EA) for the proposed Runway Safety Area (RSA) Improvements at Burke Lakefront Airport. Details are as follows:

Date: Wednesday, September 5, 2012
Time: 3:00 p.m. - 6:00 p.m.
(Free Parking is available)

Location:
Burke Lakefront Airport
1501 North Marginal Road
Cleveland, Ohio 44114

The Department of Port Control has completed the Draft Environmental Assessment Report. The report is available for review during normal business hours, beginning Monday, August 6, 2012 at the following locations:

Burke Lakefront Airport
Khalid Bahhur
1501 North Marginal Road
Cleveland, Ohio 44114

City of Cleveland
Planning Department
Robert Brown
601 Lakeside Avenue, Room 501
Cleveland, Ohio 44114

Cleveland Hopkins
International Airport
Planning & Engineering
Meenakshi Singh
19501 Five Points Road
Cleveland, Ohio 44135

Cleveland Public Library
Main Office
Science & Technology Department
325 Superior Avenue
Cleveland, Ohio 44114

The public will have an opportunity to review and offer comments on the Draft EA. These comments will become part of the final report submitted to the Federal Aviation Administration (FAA) for review and approval. In addition, airport staff and consultants will be available to answer questions. The report is also available for review at www.burkeairport.com, and comments may be e-mailed to: BKLEA-comments@landrum-brown.com.

Comments on the Draft EA may also be mailed to:

Ms. Meenakshi Singh
Planning Manager
Cleveland Airport System
5300 Riverside Drive
Cleveland, Ohio 44181

The DEADLINE FOR ALL COMMENTS IS **WEDNESDAY, SEPTEMBER 12, 2012**.

For questions or information please contact Meenakshi Singh, Planning Manager, Cleveland Airport System at 216-265-2722. For special accommodations at the Workshop/Hearing, please call Ms. Singh one week prior to the scheduled date of this Workshop/Hearing.

August 1, 2012 and August 8, 2012

NOTICE OF PUBLIC HEARING**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, August 14, 2012
10:00 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on August 14, 2012, at 10:00 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 739-10.

By Council Member Conwell.
An ordinance changing the Use District of land on the east side of E. 105 St. at Lee Avenue to Open Space and Recreation (Map Change No. 2321; Sheet No. 8).

Ord. No. 740-10.

By Council Member Conwell.
An ordinance changing the Use District of land on the east side of E. 105th Street north of Lee Ave. to an RA2 Townhouse District (Map Change No. 2318; Sheet No. 8).

Ord. No. 741-10.

By Council Members Conwell and J. Johnson.

An ordinance changing the Use, Area and Height Districts of land on the east side of E. 105th Street between Ashbury Ave. and Wade Park Ave. to One Family Residential, an 'A' Area District, and a '1' Height District (Map Change No. 2317; Sheet No. 8).

Ord. No. 742-10.

By Council Member J. Johnson.
An ordinance changing the Use District of land at the northwest corner of Ashbury Ave. and E. 105th Street to Multi-Family Residential (Map Change No. 2319; Sheet No. 8).

Ord. No. 743-10.

By Council Member J. Johnson.
An ordinance changing the Use, Area and Height Districts of lands located on the north side of Superior Ave. between E. 101 St. and E. 103 St. to a Multi-Family Residential District, a 'D' Area District and a '2' Height District (Map Change No. 2320; Sheet No. 8).

Ord. No. 276-12.

By Council Member Cimperman.
An ordinance to change the Use District of land located on Merwin Street west of Columbus Road from a General Industry District to an Open Space and Recreation District. (Map Change No. 2385 Sheet No. 1).

Ord. No. 573-12.

By Council Member Mitchell.
An ordinance changing the Use and Area Districts of lands located on the southwest corner of Union Avenue and E. 117th Street to a General Retail Business District and a 'C' Area District (Map Change No. 2392, Sheet Number 10).

Ord. No. 839-12.

By Council Member Mitchell.
An ordinance to change the Use and Height Districts of land located on the south side of Sophia Avenue

west of Woodhill Road shown shaded on the attached map to a Semi-Industry Use District and a '2' Height District (Map Change No. 2395, Sheet Number 5).

Ord. No. 906-12.

By Council Member J. Johnson.
An emergency ordinance designating Empire Junior High School as a Cleveland Landmark.

Ord. No. 920-12.

By Council Member Westbrook.
An ordinance changing the Use Districts of lands on the north and south sides of Lorain Avenue between W. 100th Street and W. 95th Street to Local Retail Business (Map Change No. 2399, Sheet Number 2).

Ord. No. 921-12.

By Council Member Zone.
An ordinance changing the Use District of land located on the west side of West 76th Street shown shaded on the attached map to Local Retail Business (Map Change No. 2400; Sheet Number 1).

Ord. No. 922-12.

By Council Member Zone.
An ordinance changing the Use District of land located on the north side of Chatham Avenue at its intersection with Fulton Road shown shaded on the attached map to Local Retail Business (Map Change No. 2401; Sheet Number 1).

All interested persons are urged to be present or to be represented at the above time and place.

Phyllis E. Cleveland
Chair
Committee on City Planning

August 1, 2012 and August 8, 2012

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE

or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, AUGUST 16, 2012

File No. 99-12 — Labor and Materials Necessary to Repair, Replace and Maintain Various Types of Valves, Actuators and Appurtenances (24 inches and larger), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1293-11, Passed by the Council of the City of Cleveland, October 10, 2011.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, AUGUST 2, 2012 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

July 25, 2012 and August 1, 2012

**ADOPTED RESOLUTIONS
AND ORDINANCES****Ord. No. 952-12.**

**By Council Member Kelley.
An ordinance to amend Sections 1 and 2 of Ordinance No. 550-12, passed April 30, 2012, regarding the amendment and extension of the franchise with Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes.**

Whereas, the Charter of the City of Cleveland authorizes this Council by ordinance to grant a non-exclusive franchise to any person, firm or corporation to construct, install, maintain and operate a utility in, under, over, along, across and upon any of the streets and public grounds of the City of Cleveland; and

Whereas, on April 30, 2012, this Council passed Ordinance No. 550-12 which authorized the amendment and extension of the franchise to Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes; and

Whereas, it was the intention of this Council and Cleveland Thermal, LLC, to extend the franchise for the maximum period of 25 years allowed by law, but the final date of the franchise permitted by law was not known until final passage and approval of Ordinance No. 550-12; and

Whereas, it is necessary and in the best interests of the City to amend Ordinance No. 550-12 by correcting the date through which the franchise was granted; now, therefore

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

Section 1. That Section 1 of Ordinance No. 550-12, passed April 30, 2012, is amended to read as follows:

Section 1. That under Chapter 35 of the Charter of the City of Cleveland and Section 1 of the franchise granted by Ordinance No. 1519-04, passed October 25, 2004 (the "Franchise Ordinance"), this Council approves the extension of the franchise agreement to June 1, 2037, and the amendments thereto regarding certain administrative matters as set forth therein.

Section 2. That existing Section 1 of Ordinance No. 550-12, passed April 30, 2012, is repealed.

Section 3. That Section 2 of Ordinance No. 550-12, passed April 30, 2012, is amended to read as follows:

Section 2. That the franchise agreement granted to Cleveland Thermal Holdings, LLC, as successor to CT Acquisitions I Inc., by the Franchise Ordinance described in Section 1 is amended, and the entirety of the franchise agreement as contained in the Franchise Ordinance as amended by this ordinance is as follows:

Section 1. Grant of Franchise.

Under the Charter of the City of Cleveland ("City"), and subject to the terms and conditions set forth in this franchise, Cleveland Thermal, LLC ("Grantee"), is granted a non-exclusive franchise, until June 1, 2037, unless sooner terminated as provide in this franchise, to construct, install, maintain and operate a system for the transmission and distribution of steam and water for heating, cooling and power purposes (the "Steam System") in the area of the City identified in the map contained in File No. 1519-04-A and incorporated by reference and as expanded or extended within the boundaries of the City (the "Service Area") in, under, over, along, across and upon the streets and public grounds (including, but not limited to, the streets, lanes, alleys, avenues, easements and other public thoroughfares and public rights of way of the City in the Service Area) in that Service Area, with the full and necessary privileges for the use of the streets and public grounds in the Service Area for the purpose of digging a trench or trenches, and constructing, installing, maintaining and operating pipes and conduits for steam and water lines, together with the right to maintain such pipes and conduits, for the purpose of transmitting steam and water for heating, cooling and power purposes ("Steam Service"), and to construct, install and maintain all necessary insulators, valves, safety appliances, connections, manholes and other appurtenances necessary or appropriate to the operation of the Steam System. The Steam System of Grantee extends from and includes the existing and future steam generation and heating or cooling water plants of Grantee and the existing and future transmission and distribution system extending to the property line of each Customer (as such term is defined in Section 5A hereof), except where otherwise defined by agreement between Grantee and a particular Customer; provided, however, that nothing herein shall be construed to require Grantee to maintain existing steam generation and heating or cooling water plants so long as Grantee can provide sufficient capacity, through leases, power purchase agreements or other means, to meet Customers' reasonably antici-

pated requirements. The grant of this franchise does not establish priority or lack of priority for use of the streets and public grounds to Grantee over other present or future permit holders or franchisees, or over the City's own use. Any extension or expansion of the Steam System shall be subject to all of the obligations and reserved rights in favor of the City set forth in this franchise, and shall be subject to all of the conditions of this franchise. The products and services to be provided or performed by the Grantee hereunder may be provided or performed by the Grantee, acting itself, or through an affiliate of Grantee, and the term "Grantee" includes the Grantee and any affiliate as the context permits. As used herein, an "affiliate" of Grantee means Cleveland Thermal Generation, LLC, Cleveland Thermal Steam Distribution, LLC, Cleveland Thermal Chilled Water Distribution, LLC or any other person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 1A. Payments.

Grantee shall, by January 30 of each calendar year, make the following annual payments, which shall be deposited in the City's general fund and expended through legislation passed by City Council for the purpose of paying the cost of the City's connection costs to the Steam System, or if not needed for such purpose in any year, as otherwise directed by Council:

2011-2015	\$125,000 per year
2016-2037	\$150,000 per year

If requested by the Director of Public Utilities, in lieu of payment of annual payments in any year, Grantee shall perform all labor and incur all costs necessary to connect any City facilities to the Steam System, up to the amount of the annual fee in any one calendar year.

Grantee shall discount the City of Cleveland's steam and chilled water bill monthly according to the following schedule, with a maximum discount to the City by Grantee of \$75,000 per year:

2011-2015	3% credit
2016-2037	4% credit

Section 2. Work on the Streets and Public Grounds.

The Grantee, in the construction, installation, maintenance or operation of the Steam System, shall not endanger or unnecessarily interfere with the lives of persons, shall not unnecessarily interfere with any installations of the City or any public utility or other person serving the City or using the streets and public grounds of the City, and shall not unnecessarily interrupt or obstruct the use of any streets and public grounds and, in connection with any work, shall obtain any permits and approvals required by the regulations and ordinances of the City. Prior to performing any work which would affect or alter the City's water mains, sewage or draining system or any other property of the City, Grantee shall provide written notice to the appropriate affected City agency or office. When any streets and public

grounds are entered upon by the Grantee, or facilities removed by the Grantee, the Grantee shall at its cost restore the same to their original condition. Grantee shall clear all streets and public grounds of obstructions or anything that might constitute a nuisance or prevent such streets and public grounds from being open and in repair, if such obstruction or nuisance was caused by the Grantee or related to the operation of the Steam System. If the Grantee fails to complete such work within a reasonable period of time, the appropriate officer of the City may, in writing, notify the Grantee that the City will complete such work if not completed by the Grantee as soon as practicable as determined by the City after receipt of notice by Grantee. Any work not completed as determined by the City's officer may be completed by the City and the actual out-of-pocket cost of such work shall be charged to the Grantee. Upon the doing of such work, the City shall furnish the Grantee with itemized bills of the actual out-of-pocket cost of the work, and Grantee shall pay the bills within thirty (30) days after its receipt.

Section 3. Applicable Regulations.

The Grantee shall at all times be subject to the regulations imposed by the laws of the United States of America, the laws of the State of Ohio and the Charter and ordinances of the City as may exist at the effective date of this franchise or later be adopted, including the continuing right of the Council to require such reconstruction, relocation, repair, change or discontinuance of the appliances used by the Steam System in the streets and public grounds of the Service Area, all at the cost of the Grantee, as shall, in the opinion of the Council, be necessary in the public interest. The Council shall at all times control the distribution of space in, under, over, along, across or upon all streets and public grounds occupied by fixtures of the Steam System. In the construction, installation, maintenance or repair of its properties, the Grantee shall comply with all laws and regulations existing at the effective date of this franchise or that may thereafter be made by the City applicable to the Grantee and the Grantee shall be liable for damages caused by its failure or neglect to comply with such laws and regulations and shall save the City harmless from any and all claims for damages by reason of such failure or neglect.

Section 4. Indemnification and Insurance.

The Grantee shall fully indemnify and save harmless the City and its respective officers, agents and employees from and against all damages, judgments, decrees, costs and expenses for bodily injury or death to persons, including employees of the City and other persons, for losses and physical damages to property of the City or other persons, and for debts incurred or taxes owed by Grantee or its agents, employees or contractors, caused by or as a result of the construction, installation, maintenance and operation of, or the failure to properly construct, install, maintain and operate, the Steam System by the Grantee. The Grantee shall carry insurance to cover and protect itself and the City as an additional insured from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or

result, directly or indirectly, from or by reason of loss, injury or damage to the City, its property or employees, or to other persons or their property, which may arise from the operations of Grantee or its Steam System. Grantee's insurance company shall, at its own expense, defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. The City shall duly notify the insurance company of any claims and shall deal directly with such insurance carrier to seek defense by such insurance carrier to seek defense by such insurance company; provided, however, the City shall not be required to institute legal proceedings against such insurance company if the insurance company fails to defend. In the event Grantee's insurance company fails to defend the City, then Grantee, at its own expense, shall defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. Copies of the Grantee's currently effective insurance policy and its currently effective certificate of insurance showing the City as an additional insured shall be maintained on file with the Clerk of Council of the City in the above mentioned file, with a copy provided to the Director of Law of the City, beginning with the effective date of the franchise extension. The amounts of such insurance against, liability due to physical damages to property shall not be less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate; and against liability due to bodily injury or to death of persons not less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate. Grantee shall not reduce, cancel or fail to promptly replace the insurance described herein, and should the insurer cancel such insurance, the Grantee shall immediately notify the City. The City shall notify the Grantee and its insurance carrier in writing, within fifteen (15) business days after the presentation of any claim or demand, either by suit or otherwise, made against the City, and not less than five (5) business days prior to the date upon which an answer to such legal action is due, when the City determined that the suit, claim or demand may involve the Grantee or the operation of the Steam System.

Section 5. Operation, Service and Rates of the Steam System.

A. Service Connections and Delivery of Steam Service. Grantee shall, so far as the capacity of its plant will allow or to the extent of its capacity obtained from alternate sources as permitted pursuant to Section 1 hereof, deliver live steam or water to any person or entity requesting Steam Service who complies with its reasonable regulations and whose property either abuts upon Grantee's service lines or can be legally and reasonably be connected to the Steam System ("Customer"). At the point of delivery, the steam will be dry and saturated in accordance with the steam table established by American Society of Mechanical Engineers ("ASME"). The Grantee shall be responsible to maintain, at its expense, all mains and lines up to the property line of the Customer's facility, except where otherwise set forth in an agreement between Grantee and

a particular Customer, and shall keep such lines in sound operating condition and free of undue leakage.

B. Abandonment of Services. In the event Grantee makes an application to the Public Utilities Commission of Ohio ("PUCO"), to abandon service to any part or all of its Service Area, Grantee shall send a copy of any such application to each of its then existing Customers.

C. Existing Rates. All valid contracts or agreements establishing rates, charges or billing arrangements between Customers and Grantee (including, but not limited to, agreements combining billings for one or more premises owned or operated by a Customer) in effect as of the effective date of this ordinance, shall remain in effect until the expiration of the contract or agreement as set forth in such contract or agreement (or as may have been extended by PUCO order), except as may be allowed or required by any Court or arbitration panel, or as agreed by Customer and Grantee. All tariff and contract rates for Steam Service in effect as of the effective date of this ordinance shall, except for fuel adjustment clause increases and authorized by the PUCO or in accordance with Ohio law, remain in effect through the term of the franchise.

D. Rates and Charges. If the Grantee and any Customer cannot agree on a contract which sets rates for Steam Service to that Customer, the rates and charges for Steam Service rendered by Grantee for such Customer or Customers shall be set by the PUCO, by Council, or as otherwise may be provided by law. During the term of this franchise, Grantee shall, upon the request of the City or Council, provide such data and information as the City reasonably requires to review the rates, charges, terms and conditions of Steam Service provided by Grantee. Nothing contained in the subparagraph shall be deemed a waiver of the Grantee to appeal to or seek review of PUCO in connection with any rates.

E. Contract Rates. Grantee may enter into contracts for the provision of Steam Service to one or more of its Customers provided that the contracts are entered into under the requirements of the Revised Code or filed with the PUCO under the terms of Section 4905.31 of the Revised Code and provided that copies of all contracts for Steam Service are provided to the Clerk of Council of the City to be maintained in the Council file mentioned above, with copies provided to the Director of Law of the City.

F. Quality of Service. The Grantee shall at all times provide safe, adequate and reliable service to its Customers and shall, except as may otherwise be permitted by law, provide same without discrimination. In so doing, Grantee shall maintain the Steam System in a manner to ensure such service and to ensure the efficient and safe operation of the Steam System. Grantee shall maintain the Steam System so as to avoid substantial leakage, and shall promptly repair material leaks in the Steam System. Grantee shall also promptly repair any pavement, tree lawn, curb or other portion of the street or public ground which is damaged by Grantee or due to defects in or leaks in or emanating from the Steam System. If there is any dispute between Grantee and a Customer as to whether the

Grantee or Customer is responsible to repair damage in the streets or public grounds caused by Grantee or due to defects or leaks in the Steam System, Grantee shall promptly make any necessary repairs pending resolution of such dispute. The cost of such repairs may be part of any such resolution, and may be charged to the Customer if it is determined that the repairs were the responsibility of the Customer. The Grantee acknowledges its obligation to operate and maintain the Steam System so that it is not in such condition as to be a hazard to the health, safety or welfare of the public, and acknowledges the right of the City to reasonably require the Grantee to make necessary repairs or improvements to abate said condition. Grantee shall promptly comply with an order of the Director of the appropriate department of the City having custody and control of the particular property or the responsibility to ensure the health, safety or welfare of the public in the particular situation to make any such repairs or improvements.

Minority Business Enterprise and Female Business Enterprise Participation and Affirmative Action. Grantee shall use its best efforts to meet the goals of the City in effect on the effective date of this ordinance with respect to minority enterprise participation and female business enterprise participation, i.e., thirty percent (30%) and ten percent (10%), respectively, in Grantee's proposed construction of the improvement and expansion of the Steam System; provided, that in evaluating Grantee's efforts to meet such goals, the City shall give consideration to the availability of certain specialty items of equipment for the Steam System that are not readily available from minority and female vendors.

Grantee shall adhere to the standards set forth in division (a) of Section 187.04 of the Codified Ordinances of the City, as presently in effect with respect to nondiscrimination in employment, and shall use its best efforts to improve the percentage of minority and female employment in the various occupations involved in the performance of the Grantee's business. With respect to any construction of the improvement and expansion of the Steam System comprising real property, Grantee shall comply with the requirements of Chapter 188 of the Codified Ordinances of the City.

Section 6. Transfers and Assignments.

The franchise granted to the Grantee herein shall not be transferable either directly or indirectly except with the consent of Council, provided, however, that the grant of a mortgage on or security interest in or assignment of real or personal property comprising the Steam System, including but not limited to Grantee's right to receive payments from Customers (including the City) with respect to the Steam System, as collateral security for financing of obligations of Grantee, shall not constitute or be deemed to be a transfer for purposes of this Section 6; and provided, further that nothing in any such mortgage, security interest or assignment shall purport to transfer the franchise granted herein except with the consent of Council. Additionally, Grantee shall not, without consent of Council, either directly or indirectly, consolidate, merge or in any other

way give or permit control of the management of its business to or by any other heating, cooling or power company now operating or that may in the future operate in the City, including any company which would by such action by Grantee first enter into the business of providing heating, cooling or power, nor shall Grantee assign or transfer so much of the assets of the Steam System so as to render Grantee unable to continue providing adequate service as required herein. Notwithstanding the provisions of this Section 6, the capital stock or all or substantially all of the assets and business of Grantee may, without the prior approval of Council, be (i) transferred to any corporation or other entity which is affiliated with Grantee or (ii) consolidated or merged with, or the control of Grantee's management may be transferred to, any corporation or other entity which is affiliated with Grantee. For purposes of this section, the term "affiliate" shall mean any person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 7. Right of Purchase by the City.

Under Section 183 of the Charter of the City of Cleveland, there is reserved to the City the right to terminate this franchise and to purchase all of the property of the Grantee in the streets and highways in the City and elsewhere used in or useful for the operation of the utility at a price to be fixed in the manner provided in the following sentence. If the City and Grantee cannot agree on the price to be paid by the City for such property, the value shall be determined by three appraisers, one each selected by the City and Grantee, and the other selected by the two appraisers appointed. If the three appraisers cannot agree upon a value for such property, the average of the three separate appraisals of the appraisers shall be the value of such property. The standard to be used by the appraisers shall be the fair market value of such property as a going concern. Further, to the extent provided in Section 184 of the Charter of the City, the price to be paid by the City for the property that may be acquired by the City from the Grantee, by purchase, condemnation, or otherwise, shall exclude all additional value of the grant or renewal of this franchise.

Section 8. Renewal of Franchise.

Council may, by ordinance, renew the franchise at the expiration of this franchise upon terms conducive to the public interest.

Section 9. Non-Exclusivity of Franchise.

No rights herein granted to the Grantee to construct, maintain, install or operate the Steam System shall be construed as exclusive or as preventing the City from granting a franchise or privilege to any other person, firm or corporation.

Section 10. Permits.

The Director of Public Service and other appropriate City officials are hereby authorized to issue such permits to the Grantee and any of its construction contractors or subcontractors for construction, installation and operation of the Steam System as may be required by law without further action of the Council. Permits shall be issued upon Grantee's compliance with the applicable procedures for

obtaining permits and in accordance with the requirements of law. Grantee shall comply with all existing City and State air pollution permits to operate which are applicable to the Steam System.

Section 11. PUCO.

Grantee shall provide to the City's Director of Law timely copies of all notices, filings, applications and all other documents submitted to the PUCO concerning or affecting the Steam System, including copies received by Grantee of any complaints or correspondence submitted to the PUCO concerning the Grantee or any affiliate or Steam System, but not including such documents which solely relate to any other Steam System. Grantee shall not object to or contest the right of the City to intervene in any proceeding initiated by Grantee, the PUCO or a third party concerning Grantee, any affiliate, or the Steam System.

Section 12. Notices and Reports.

Grantee shall provide notice to a designated representative of each Customer of any work by Grantee on the Steam System, or of any change in its operation, which could materially and adversely affect service to such Customer. Grantee shall also respond to any reasonable requests of a Customer for information, including available Steam System efficiency measurements and studies. In addition, Grantee shall provide a copy of an audited balance sheet and a schedule of major capital improvements annually, at the end of each full fiscal year, to the Clerk of Council, for filing in the Council file mentioned above and shall provide copies of such submittals to the Director of Law of the City.

Section 14. Revocation and Amendment.

The Council hereby reserves the right at any time to repeal for cause or to properly amend the ordinance granting this franchise or to revoke for cause the privileges granted in whole or in part.

Section 15. Default.

Grantee shall be in default of its franchise if Council finds, after providing notice and an opportunity to be heard, that Grantee has abandoned or discontinued Steam Service or has materially failed to comply with the terms of this franchise.

Upon Council determination of default by the Grantee, the City may, at its option, exercise, concurrently or successively, any one or more of the following rights and remedies: to seek a court order to enjoin any abandonment or discontinuance of Steam Service or any failure to comply with the terms of this franchise; to bring suit or complaint at the PUCO or elsewhere for the performance of Grantee's obligation to provide Steam Service and to comply with the terms of this franchise; to terminate the franchise; or in the event of an actual or effective abandonment or discontinuance of Steam Service, to seek Court appointment of a receiver to continue operation of the Steam System until the Steam System can be sold or transferred to an entity approved by the City and Council. These rights and remedies are in addition to any other rights and remedies permitted to the City by the terms of this franchise or by law.

Section 4. That existing Section 2 of Ordinance No. 550-12, passed April 30, 2012, is repealed.

Section 5. That except as amended and corrected in this ordinance, Ordinance No. 550-12, passed April 30, 2012, shall remain in full force and effect.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 25, 2012.

Effective August 24, 2012.

Ord. No. 957-12.

By Council Member Sweeney.

An emergency ordinance to amend Section 195.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1955-07, passed December 3, 2007, and Section 195.03, as amended by Ordinance No. 352-09, passed March 30, 2009, providing an exemption from the admission tax for live music venues.

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

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

Section 1. That Section 195.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1955-07, passed December 3, 2007, and Section 195.03, as amended by Ordinance No. 352-09, passed March 30, 2009 are amended to read as follows:

Section 195.02 Tax Levied

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

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

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

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

charge, cover charge or other similar charge;

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

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

(f) A tax of four percent (4%) on the amount paid for admission to any live music venue that has occupancy capacity per room within the venue of one hundred-fifty-one (151) people or more, but not greater than seven hundred-fifty (750) people. For purposes of this section, "live music venue" is defined as a premises where people pay admission to attend an active performance of music by an individual or individuals who, at the time of and during the performance, creates music or engages in an audible form of artistic expression, other than, or in addition to, any pre-recorded music, for an audience through the use or manipulation, of voice, instruments, or electronic or computerized equipment or formats.

Section 195.03 Exemptions from Tax

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

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

(2) Exclusively to the benefit of persons in the military or naval forces of the United States, or of National Guard organizations, reserve officer associations or posts or organizations of war veterans or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units or societies are organized in the State, and in no part of their net earnings inures to the benefit of any private stockholder or individual;

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

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

(5) Exclusively to a live music venue that has occupancy capacity per room within the venue of less than or equal to one hundred-fifty (150) people. For purposes of this section, "live music venue" is defined as a premises where people pay admission to attend an active performance of music by an individual or individuals who, at the

time of and during the performance, creates music or engages in an audible form of artistic expression, other than, or in addition to, any pre-recorded music, for an audience through the use or manipulation, of voice, instruments, or electronic or computerized equipment or formats.

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

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

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

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

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

(f) Notwithstanding anything else in this chapter to the contrary, no tax shall be levied under this chapter with respect to any admission to the indoor arena facility (the "Gateway Arena") constructed by Gateway Economic Development Corporation of Greater Cleveland ("Gateway") pursuant to that certain Agreement

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

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

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

A. To retain each Bond Year as defined in the Cooperative Agreement from the amounts paid to the Trustee pursuant to division (f)(1) of this section to secure payments with respect to the Arena Bonds as provided in the Cooperative Agreement, an amount up to the sum of: (a) three percent (3%) of all admissions charges for admissions to the Gateway Arena during the related Collection Year as provided in the Cooperative Agreement for: basketball games played by the Cleveland Cavaliers at the Gateway Arena during each basketball season (including divisional, conference and championship play-off games); pre-season or exhibition basketball games played by said Cavaliers at the Gateway Arena and the NBA All-Star Game and any other event held at the Gateway Arena in which professional basketball players participate (collectively, "Games"), plus (b) in the event that the City increases the taxes payable under this chapter from six percent (6%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for Games, and plus (c) in the event that the City increases the taxes payable under this chapter from six percent (6%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for any events other than Games;

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

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

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

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

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

(g) (1) Except as otherwise provided in division (b), and notwithstanding anything else in this chapter to the contrary, no tax shall be levied under this chapter with respect to any admission to live theater, live opera,

live ballet, or live exhibition of dance, musical performance, or monologue productions which are sponsored by an institution, society or organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; provided that the institution, society or organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, live ballet, or live exhibition of dance, musical performance, or monologue productions and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least twenty percent (20%) of the net profits, if any, of the events which the institution, society or organization sponsors and will bear the risk of at least twenty percent (20%) of the losses, if any, from the events which the institution, society or organization sponsors.

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

(3) Immediately after an event for which an exemption from admission tax has been allowed pursuant to this subsection (g), the treasurer of the institution, society or organization shall file an itemized statement with the Commissioner setting forth the amount of money actually received by such treasurer together with the expenses of promoting and conducting such event. Such statement shall be used as a basis of subsequent requests for exemption from admissions tax in accordance with this subsection. If such statement demon-

strates a failure to qualify in accordance with paragraph (1) of this subsection (g), no such exemption shall thereafter be allowed to such institution, society or organization.

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

Passed July 11, 2012.

Effective July 21, 2012, without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

**Wednesday, July 25, 2012
1:00 p.m.**

Public Utilities Committee & Finance Committee: Present in Utilities: Kelley, Chair; Brady, Vice Chair; Conwell, Dow, Polensek, Westbrook. *Authorized Absence:* Cummins, Miller, Pruitt. Pro tempore: Keane. Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Polensek, Westbrook. *Authorized Absence:* Miller, Mitchell, Pruitt.

**Wednesday, August 1, 2012
1:30 p.m.**

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

Index

O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

Bold type in sections indicates amendments

Board of Control — Burke Lakefront Airport Division

Terminal space — consent to assignment of Contract #69925 — Dept. of Port Control
(BOC Res. 364-12) 1198

Board of Control — Capital Projects Office

Flats East Bank roadway improvements (various locations) — per Ord. 663-12 to Perk
Company, Inc. — Division of Engineering and Construction (BOC Res. 366-12) 1198
Intersection improvements (various locations) — per Ord. 399-12 to Vandra Brothers
Construction Company — Division of Engineering and Construction (BOC Res. 365-12) 1198

Board of Control — Community Development Department

East 116th Street and East 117th Street (Ward 6) — PPN 137-01-004/078/079/109 — Mark
Mustafa (BOC Res. 370-12) 1199
Endora Road, 17220 (Ward 10) — PPN 117-15-017 — Bernard and Eloise Lemon (BOC Res. 368-12) 1199
West 16th Street, 3139 (Ward 14) — PPN 008-07-029 — lease — Tremont West Development
Corporation — rescind BOC Res. 328-12 (BOC Res. 371-12) 1199
West 50th Street, 1931 (Ward 15) — PPN 002-34-056 — Matthew T. Denholm (BOC Res. 369-12) 1199

Board of Control — Concession Agreement

Highland Park Golf Course operation — per Ord. 10-12 to M.A.N. GOLF Ohio, LLC — Dept. of Public Works (BOC Res. 367-12) 1198

Board of Control — Engineering and Construction Division

Flats East Bank roadway improvements (various locations) — per Ord. 663-12 to Perk Company, Inc. — Office of Capital Projects (BOC Res. 366-12) 1198
Intersection improvements (various locations) — per Ord. 399-12 to Vandra Brothers Construction Company — Office of Capital Projects (BOC Res. 365-12) 1198

Board of Control — Highland Golf Course

Operation — per Ord. 10-12 to M.A.N. GOLF Ohio, LLC — Dept. of Public Works (BOC Res. 367-12)..... 1198

Board of Control — Land Reutilization Program

East 116th Street and East 117th Street (Ward 6) — PPN 137-01-004/078/079/109 — Mark Mustafa (BOC Res. 370-12) 1199
Endora Road, 17220 (Ward 10) — PPN 117-15-017 — Bernard and Eloise Lemon (BOC Res. 368-12) 1199
West 16th Street, 3139 (Ward 14) — PPN 008-07-029 — lease — Tremont West Development Corporation — rescind BOC Res. 328-12 (BOC Res. 371-12) 1199
West 50th Street, 1931 (Ward 15) — PPN 002-34-056 — Matthew T. Denholm (BOC Res. 369-12) 1199

Board of Control — Leases

Terminal space — consent to assignment of Contract #69925 — Division of Burke Lakefront Airport, Dept. of Port Control (BOC Res. 364-12) 1198

Board of Control — Port Control Department

Terminal space — consent to assignment of Contract #69925 — Division of Burke Lakefront Airport (BOC Res. 364-12) 1198

Board of Control — Public Improvement Contracts

Flats East Bank roadway improvements (various locations) — per Ord. 663-12 to Perk Company, Inc. — Division of Engineering and Construction, Office of Capital Projects (BOC Res. 366-12) 1198
Intersection improvements (various locations) — per Ord. 399-12 to Vandra Brothers Construction Company — Division of Engineering and Construction, Office of Capital Projects (BOC Res. 365-12) 1198

Board of Control — Public Works Department

Highland Park Golf Course operation — per Ord. 10-12 to M.A.N. GOLF Ohio, LLC (BOC Res. 367-12)..... 1198

Board of Zoning Appeals — Report

Brookpark Road, 7200, (Ward 13) – M&G Equities, a New York Partnership, owner and HH Gregg — appeal granted and adopted on 7/30/12 (Cal. 12-110) 1204
Delora Avenue, 5320, (Ward 13) – Mary Sweeney, owner — appeal heard on 7/30/12 (Cal. 12-116) 1203
East 131st Street, 4030, (Ward 2) – Two Great Lakes, Inc., owner — appeal postponed to 8/20/12 on 7/30/12 (Cal. 12-118) 1204
East 140th Street, 662, (Ward 10) – Joseph Saleh, owner — appeal withdrawn on 7/30/12 (Cal. 12-64)..... 1204
East 71st Street, 4173, (Ward 12) – Falls Realty, owner — appeal granted and adopted on 7/30/12 (Cal. 12-39)..... 1204
Freeman Avenue, 2102, (Ward 3) – Jeff Eisenberg, owner — appeal heard on 7/30/12 (Cal. 12-84)..... 1204
Hampden Avenue, 10926, (Ward 8) – Lenora Kelton, owner — appeal heard on 7/30/12 (Cal. 12-103)
Hessler Road, 11483, (Ward 9) – Plaza Investment and Mark Fremont, owner — appeal heard on 7/30/12 (Cal. 12-99) 1203
Landseer Road, 17815, (Ward 19) – Robon Vanek and Robert Sutt, owners — appeal heard on 7/30/12 (Cal. 12-102)..... 1203
Lee Road, 4159, (Ward 1) – Golden Arch Realty Corporation, owner — appeal granted and adopted on 7/30/12 (Cal. 12-114)..... 1204
West 129th Street, 3319, (Ward 17) – Elizabeth Ford, owner — appeal heard on 7/30/12 (Cal. 12-115) 1203
West 160th Street, 4600, (Ward 19) – MWTP, LLC, owner — appeal to be heard on 8/13/12 (Cal. 12-112)..... 1203

Board of Zoning Appeals — Schedule

Columbus Road, 1960, (Ward 3) – Kamis Properties, LLC, owner — appeal to be heard
on 8/13/12 (Cal. 12-123) 1203

Fullerton Avenue, 6816, (Ward 12) – Olusola Ademuyiwa, owner — appeal to be heard
on 8/13/12 (Cal. 12-121) 1203

Mira Court, 2413, (Ward 13) – Cicerchi Development Company, owner — appeal to be heard
on 8/13/12 (Cal. 12-122) 1203

West 130th Street, 3400, (Ward 17) – Joseph Barron, owner — appeal to be heard on 8/13/12
(Cal. 12-124) 1203

City Council

Dreyer, Allan — Clerk of Council Pro Tempore — July 25th Special Meeting (F 1020-12) 1197

Official Call for Special Meeting of Council — July 25, 2011 (F 1019-12) 1197

City of Cleveland Bids

Valves, actuators and appurtenances (24" and larger) — Department of Public Utilities —
Division of Water — per Ord. 1293-11 — bid due August 16, 2012 (advertised 7/25/2012
and 8/1/2012)..... 1205

City Planning Commission

Ashbury Ave. & East 105th St. — Change Use District (Ward 08) (O 742-10) 1205

Bridge Ave. and West 30th Street (Southeast corner) — Change Use District (Ward 03)
(O 275-12) 1204

Chatham Ave. (Intersection with Fulton Rd.) — Change Use District (Ward 15) (O 922-12) 1205

E. 117th St. (Southwest corner of Union Ave.) — Change Use and Area District (Ward 06)
(O 573-12) 1205

East 105th St. & Lee Ave. — Change Use District (Ward 09) (O 739-10) 1205

East 105th St. (Between Ashbury Ave. & Wade Park Ave.) — Change Use, Area and Height
Districts (Ward(s) 8, 9) (O 741-10) 1205

East 105th St. (North of Lee Ave.) — Change Use District (Ward 09) (O 740-10) 1205

Empire Junior High School — Parmelee Ave., 9113-9223 — PPN 108-19-065/ 066 / 067 / 068/
069/ 070 / 071 — designate as landmark (Ward 08) (O 906-12) 1205

Lorain Ave. (Between W. 100th St. and W. 95th St.) — Change Use District (Ward 16) (O 920-12)..... 1205

Lorain Rd. (Between West 52nd St. & Gehring St.) & West 25th St. (Between Jay Ave. and
Chatham Ave.) (Ward(s) 15, 03) (O 845-12) 1204

Merwin St. (West of Columbus Rd.) — Change Use District (Ward 03) (O 276-12) 1205

Sophia Ave. (South side) & West of Woodhill Rd. — Change Use and Height Districts (Ward
06) (O 839-12)..... 1205

Superior Ave. (Between E. 101 St. & E. 103 St.) — Change Use, Area and Height Districts
(Ward 08) (O 743-10) 1205

West 76th St. (West side) — Change Use District (Ward 15) (O 921-12) 1205

Clerk of Council

Dreyer, Allan — Clerk of Council Pro Tempore — July 25th Special Meeting (F 1020-12) 1197

Official Call for Special Meeting of Council — July 25, 2011 (F 1019-12) 1197

Codified Ordinances

Admissions Tax for Live Music Venues — Amend Section 195.02 (O 957-12)..... **1208**

Communications

Dreyer, Allan — Clerk of Council Pro Tempore — July 25th Special Meeting (F 1020-12) 1197

Official Call for Special Meeting of Council — July 25, 2011 (F 1019-12) 1197

Franchises

Amend Sections 1 and 2 of Ord. No. 550-12 — Cleveland Thermal, LLC Franchise Date Change
(O 952-12)..... 1197-**1205**

Landmark Commission

Empire Junior High School — Parmelee Ave., 9113-9223 — PPN 108-19-065/ 066 / 067 / 068/
069/ 070 / 071 — Designate As Landmark — City Planning Commission (Ward
08) (O 906-12)..... 1205

Public Hearing (Notices)

Ashbury Ave. & East 105th St. — Change Use District (Ward 08) (O 742-10) 1205

Bridge Ave. and West 30th Street (Southeast corner) — Change Use District — City Planning
Commission (Ward 03) (O 275-12)..... 1204

Chatham Ave. (Intersection with Fulton Rd.) — Change Use District — City Planning Commission (Ward 15) (O 922-12)..... 1205

E. 117th St. (Southwest corner of Union Ave.) — Change Use and Area District — City Planning Commission (Ward 06) (O 573-12)..... 1205

East 105th St. & Lee Ave. — Change Use District — City Planning Commission (Ward 09) (O 739-10)..... 1205

East 105th St. (Between Ashbury Ave. & Wade Park Ave.) — Change Use, Area and Height Districts — City Planning Commission (Ward(s) 8, 9) (O 741-10)..... 1205

East 105th St. (North of Lee Ave.) — Change Use District — City Planning Commission (Ward 09) (O 740-10)..... 1205

Empire Junior High School — Parmelee Ave., 9113-9223 — PPN 108-19-065/ 066 / 067 / 068/ 069/ 070 / 071 — designate as landmark — City Planning Commission (Ward 08) (O 906-12)..... 1205

Lorain Ave. (Between W. 100th St. and W. 95th St.) — Change Use District — City Planning Commission (Ward 16) (O 920-12)..... 1205

Lorain Rd. (Between West 52nd St. & Gehring St.) & West 25th St. (Between Jay Ave. and Chatham Ave.) — City Planning Commission (Ward(s) 15, 03) (O 845-12)..... 1204

Merwin St. (West of Columbus Rd.) — Change Use District — City Planning Commission (Ward 03) (O 276-12)..... 1205

Sophia Ave. (South Side) & West of Woodhill Rd. — Change Use and Height Districts — City Planning Commission (Ward 06) (O 839-12)..... 1205

Superior Ave. (Between E. 101 St. & E. 103 St.) — Change Use, Area and Height Districts — City Planning Commission (Ward 08) (O 743-10)..... 1205

West 76th St. (West side) — Change Use District — City Planning Commission (Ward 15) (O 921-12)..... 1205

Taxes

Admissions Tax for Live Music Venues — Amend Section 195.02 (O 957-12)..... **1208**

Utilities Department

Amend Sections 1 and 2 of Ord. No. 550-12 — Cleveland Thermal, LLC Franchise Date Change (O 952-12)..... **1197-1205**

Ward 03

Bridge Ave. and West 30th Street (Southeast corner) — Change Use District — City Planning Commission (O 275-12)..... 1204

Lorain Rd. (Between West 52nd St. & Gehring St.) & West 25th St. (Between Jay Ave. and Chatham Ave.) — City Planning Commission (Ward(s) 15, 03) (O 845-12)..... 1204

Merwin St. (West of Columbus Rd.) — Change Use District — City Planning Commission (O 276-12)..... 1205

Ward 06

E. 117th St. (Southwest corner of Union Ave.) — Change Use and Area District — City Planning Commission (Ward 06) (O 573-12)..... 1205

Sophia Ave. (South side) & West of Woodhill Rd. — Change Use and Height Districts — City Planning Commission (Ward 06) (O 839-12)..... 1205

Ward 08

Ashbury Ave. & East 105th St. — Change Use District — City Planning Commission (O 742-10)..... 1205

East 105th St. (Between Ashbury Ave. & Wade Park Ave.) — Change Use, Area and Height Districts — City Planning Commission (Ward(s) 8, 9) (O 741-10)..... 1205

Empire Junior High School — Parmelee Ave., 9113-9223 — PPN 108-19-065/ 066 / 067 / 068/ 069/ 070 / 071 — designate as landmark — City Planning Commission (O 906-12)..... 1205

Superior Ave. (Between E. 101 St. & E. 103 St.) — Change Use, Area and Height Districts — City Planning Commission (O 743-10)..... 1205

Ward 09

East 105 St. & Lee Ave. — Change Use District — City Planning Commission (O 739-10)..... 1205

East 105th St. (Between Ashbury Ave. & Wade Park Ave.) — Change Use, Area and Height Districts — City Planning Commission (Ward(s) 8, 9) (O 741-10)..... 1205

East 105th St. (North of Lee Ave.) — Change Use District — City Planning Commission (O 740-10)..... 1205

Ward 15

Chatham Ave. (Intersection with Fulton Rd.) — Change Use District — City Planning Commission (O 922-12)..... 1205

Lorain Rd. (Between West 52nd St. & Gehring St.) & West 25th St. (Between Jay Ave. and Chatham Ave.) — City Planning Commission (Ward(s) 15, 03) (O 845-12)..... 1204

West 76th St. (West side) — Change Use District — City Planning Commission (O 921-12)..... 1205

Ward 16

Lorain Ave. (Between W. 100th St. and W. 95th St.) — Change Use District — City Planning Commission (O 920-12)..... 1205

Zoning

Ashbury Ave. & East 105th St. — Change Use District — City Planning Commission (Ward 08) (O 742-10) 1205

Bridge Ave. and West 30th Street (Southeast corner) — Change Use District — City Planning Commission (Ward 03) (O 275-12)..... 1204

Chatham Ave. (Intersection with Fulton Rd.) — Change Use District — City Planning Commission (Ward 15) (O 922-12)..... 1205

E. 117th St. (Southwest corner of Union Ave.) — Change Use and Area District — City Planning Commission (Ward 06) (O 573-12) 1205

East 105 St. & Lee Ave. — Change Use District — City Planning Commission (Ward 09) (O 739-10)..... 1205

East 105th St. (Between Ashbury Ave. & Wade Park Ave.) — Change Use, Area and Height Districts — City Planning Commission (Ward(s) 8, 9) (O 741-10) 1205

East 105th St. (North of Lee Ave.) — Change Use District — City Planning Commission (Ward 09) (O 740-10)..... 1205

Empire Junior High School — Parmelee Ave., 9113-9223 — PPN 108-19-065/ 066 / 067 / 068/ 069/ 070 / 071 — designate as landmark — City Planning Commission (Ward 08) (O 906-12)..... 1205

Lorain Ave. (Between W. 100th St. and W. 95th St.) — Change Use District — City Planning Commission (Ward 16) (O 920-12)..... 1205

Lorain Rd. (Between West 52nd St. & Gehring St.) & West 25th St. (Between Jay Ave. and Chatham Ave.) — City Planning Commission (Ward(s) 15, 03) (O 845-12)..... 1204

Merwin St. (West of Columbus Rd.) — Change Use District — City Planning Commission (Ward 03) (O 276-12)..... 1205

Sophia Ave. (South side) & West of Woodhill Rd. — Change Use and Height Districts — City Planning Commission (Ward 06) (O 839-12) 1205

Superior Ave. (Between E. 101 St. & E. 103 St.) — Change Use, Area and Height Districts — City Planning Commission (Ward 08) (O 743-10)..... 1205

West 76th St. (West side) — Change Use District — City Planning Commission (Ward 15) (O 921-12) 1205