

The City Record

Official Publication of the Council of the City of Cleveland



November the Twentieth, Two Thousand and Thirteen

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
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

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
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability
 Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:

Architecture and Site Development – Robert Vitkas, Chief Architect, Manager
 Engineering and Construction – Richard J. Switalski, Manager
 Real Estate – James DeRosa, Commissioner

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – James Hartley, Interim 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 – Tiffany White, 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 – Paul Bender, 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 – Antionette Thompson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – _____, Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim 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 – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Daryl W. McGinnis, 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 – John Mahoney, 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 – Narid Hussain, 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 Whit.

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, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.F. Sullivan.

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

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

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

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

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

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

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

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

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Verne 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, Giancarlo Calicchia, John Torres, Robert Vitkas, Robert Keiser, Secretary.

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

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

Judge Courtroom

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

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

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WEDNESDAY, NOVEMBER 20, 2013

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CITY COUNCIL

MONDAY NOVEMBER 18, 2013

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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.

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

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, Sweeney.

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, November 18, 2013

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

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

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Chris Warren, Chief of Communications Maureen Harper, Chief of Sustainability Jenita McGowan, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Bender, Smith, Butler, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich, Ambroz, and Interim Director Vilkas.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Nozomi Ikuta, Denison Avenue United Church of Christ, Cleveland, Ohio (Ward 16). Pledge of Allegiance.

MOTION

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

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 1542-13.

RE: #7204004 — Transfer of Location Application, C2 C2X. Rauhi Rahman, 4096 East 131st Street. (Ward 2). Received.

File No. 1543-13.

RE: #4179234 — Transfer of Ownership Application, C1, C2, JBI Enterprises, Inc., d.b.a. Cleveland Deli and Beverage, 14939 Puritas Avenue. (Ward 18). Received.

File No. 1556-13.

RE: #1548440 — Transfer of Ownership Application, D1 D2 D3 D3A. Cleveland Proud Kitchen & Bar Group, Inc., 783 and 779 East 185th Street. (Ward 11). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1562-13—James Yarbrough, Jr.

Res. No. 1563-13—Deacon Samuel Alexander McNeal, Sr.

Res. No. 1564-13—Martin "Marty" Piszczak.

Res. No. 1565-13—Helen F. Moss.

Res. No. 1566-13—Antilla Millen Johnson.

Res. No. 1572-13—Walter Cheeks.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1567-13—Pastor Richard M. Gibson.

Res. No. 1568-13—Murtis Taylor Human Services System — 65th Anniversary.

Res. No. 1569-13—Cleveland Clinic Lutheran Hospital - 2013 Commitment to Excellence Award.

RECOGNITION RESOLUTIONS

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

Res. No. 1570-13—Slovenian-American Business Association.

WELCOME RESOLUTIONS

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

Res. No. 1571-13—Mother Agnes-Mariam.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1544-13.**

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from Cuyahoga County Juvenile Court to conduct the 2014 Community Diversion Program.

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

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

Section 1. That the Director of Community Relations is authorized to apply for and accept a grant in the approximate amount of \$15,000, and any other funds that may become available during the grant term from Cuyahoga County Juvenile Court to conduct the 2014 Community Diversion Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the FY 2014 agreement for the grant contained in the file described below.

Section 2. That the FY 2014 agreement, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1544-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Community Relations shall have the authority to extend the term of the grant during the grant term.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Community Relations may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

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

Ord. No. 1545-13.

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

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

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

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

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

Section 2. That the executive summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1545-13-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the required amount of 20% of the grant amount received, up to \$200,000, is approved in all respects, and shall not be changed without additional legislative authority. (RQS 9501, RL 2013-172)

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

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

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

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

Section 7. That the contracts and other appropriate documents needed to complete the transactions autho-

riized by this legislation shall be prepared by the Director of Law.

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

Section 9. That any loan or grant entered into under this ordinance shall be authorized when approved by the Cleveland Citywide Development Corporation and the Mayor, and the Council Member in whose ward the project is being given assistance shall submit a letter of support for the project. The Director of Economic Development shall notify the Council Member in whose ward the project will occur before it has been approved by the Cleveland Citywide Development Corporation.

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

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

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

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

Ord. No. 1546-13.

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

An emergency ordinance authorizing the Director of Economic Development, on behalf of the City of Cleveland, to enter into one or more agreements, or amendments to existing agreements, with members of the Northeast Brownfield Coalition to renew participation as a member for a period up to three years.

Whereas, under Ordinance No. 1530-08, passed October 13, 2008, this Council authorized the Director of Economic Development to apply for membership into a coalition that will apply for and accept a grant from the United States Environmental Protection Agency ("United States EPA") for various Brownfield activities; and

Whereas, the name of the coalition is the Northeast Brownfield

Coalition and consists of the City of Cleveland, Cuyahoga County Department of Development, Cuyahoga County Board of Health, and the Cleveland-Cuyahoga County Port Authority; and

Whereas, continued membership into this coalition is desired in order to apply for any grants from the United States EPA, as they become available, and also grant funds from various entities, in order to continue and supplement this successful program; and

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

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

Section 1. That the Director of Economic Development, on behalf of the City of Cleveland, is authorized to enter into one or more agreements, or amendments to existing agreements, with members of the Northcoast Brownfield Coalition to renew participation as a member for a period up to three years, which include applying for and accepting grants and administering grant funds received.

Section 2. That, as a member of the Northcoast Brownfield Coalition, the Director of Economic Development on behalf of the City of Cleveland, is authorized to apply for and accept one or more grants from the United States EPA and to apply for and accept one or more grants from other entities to conduct various brownfield assessment activities consistent with its membership in the Northcoast Brownfield Coalition.

Section 3. That, as a member of the Northcoast Brownfield Coalition, the Director of Economic Development on behalf of the City of Cleveland, is authorized to file any papers and execute all documents necessary to participate in the coalition and to implement any grants authorized in this ordinance.

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

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

Ord. No. 1547-13.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from Cuyahoga County for the FY 2013 Juvenile Accountability Block Grant Program.

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

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

Section 1. That the Director of Community Relations is authorized to apply for and accept a grant in the approximate amount of \$24,364, and any other funds that may become available during the grant term from

Cuyahoga County to conduct the FY 2013 Juvenile Accountability Block Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the Solicitation for Applications FY 2013 for the grant contained in the file described below.

Section 2. That the Solicitation for Applications FY 2013 for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1547-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Community Relations may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

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

Ord. No. 1548-13.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Victory Midtown, LLC or its designee, to provide for the redevelopment of the property known as the Victory Building located at 7012 Euclid Avenue, and other associated costs necessary to redevelop the property; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 1514-11, passed October 24, 2011, and prior to the adoption of this ordinance, the City approved and completed

Whereas, under the authority of Ordinance No. 1514-11, passed October 24, 2011, and prior to the adoption of this ordinance, the City approved and completed both the acquisition and conveyance of fee title to certain real property, for the

which is more particularly described in the documents set forth this ordinance (the "Real Property"); and

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

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

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

Section 1. That the improvements to be constructed by Victory Midtown, LLC, or its designee, ("Redeveloper"), as more fully described in File No. 1548-13-A ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 30 years; and that in no event shall the exemption period extend beyond 2044.

Section 3. That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of 30 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in this ordinance, which agreement or agreements shall contain those terms contained in the executive summary which has been placed in the file mentioned above.

Section 6. That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund into

which shall be deposited service Payments in Lieu of Taxes ("PILOTS") which shall be used for the purpose of funding project debt or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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

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

Ord. No. 1549-13.

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

An emergency ordinance to amend Section 17 of Ordinance No. 908-12, passed August 8, 2012, as amended by Ordinance No. 1096-13, passed September 30, 2013, relating to the Denison Avenue underground ductbank and resurfacing project.

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

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

Section 1. That Section 17 of Ordinance No. 908-12, passed August 8, 2012, as amended by Ordinance No. 1096-13, passed September 30, 2013, is amended to read as follows:

Section 17. That the cost of the Improvement, contracts, property acquisition, or other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 52 SF 001, **54 SF 001**, 58 SF 230 and from the fund or funds which are credited the funds received under the Local Public Agency Agreement with the Ohio Department of Transportation authorized by this ordinance and which funds are appropriated for this purpose. Request No. RQS 0103, RL 2012-118.

Section 2. That existing Section 17 of Ordinance No. 908-12, passed August 8, 2012, as amended by Ordinance No. 1096-13, passed September 30, 2013, is repealed.

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

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

Ord. No. 1550-13.

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

An emergency ordinance to amend Sections 1, 4, and 5 of Ordinance No. 1219-11, passed October 10, 2011, relating to a Tax Increment Financing Agreement with Optima 777, LLC, as the designee of Sage Hospitality, or its designee, to provide for the acquisition, some demolition, and complete renovation of the former Crowne Plaza Hotel located at 777 St. Clair Avenue for the Westin Cleveland Hotel.

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

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

Section 1. That Sections 1, 4, and 5 of Ordinance No. 1219-11, passed October 10, 2011, are amended to read as follows:

Section 1. That the improvements to be constructed by Optima 777, LLC, as the designee of Sage Hospitality, or its designee ("Redeveloper"), as more fully described in **File No. 1219-11-B** [duplicate in File No. 1550-13-A] ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 4. That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the **Improvements not been exempted from taxation and that the remainder of the service payments collected under Section 3 of this ordinance shall be deposited into a Westin Cleveland Hotel Urban Redevelopment Tax Increment Equivalent Fund (the "Westin Cleveland Hotel TIF fund") that is hereby established in accordance with Section 5709.43 of the Revised Code. The amounts deposited into the Westin Cleveland Hotel TIF Fund initially shall be used in accordance with the Westin Cleveland Hotel TIF Cooperative Agreement (as authorized in Section 5) and for any additional debt as determined and approved by the Director of Economic Development.**

Section 5. That the Director of Economic Development (the "Director") is authorized to **sign and deliver, in the name and on behalf of the City, the Westin Hotel TIF Cooperative Agreement, with Optima 777, LLC, and Cuyahoga County, together with any future amendments that are not inconsistent with this ordinance, are not materially adverse to the City and are approved by the Director, all of which shall be conclusively evidenced by the signing of the Westin Cleveland Hotel TIF Cooperative Agreement by the Director. The Director is further authorized to enter into an agreement or agreements with Optima 777, LLC, or its designee, to provide (i) for the exemption and service payments described in this ordinance, including agreements securing the payments described in Section 3 of this ordinance, and (ii) for the use of the service payments for any additional debt as determined and approved by the Director of Economic Development.**

Section 2. That existing Sections 1, 4, and 5 of Ordinance No. 1219-11, passed October 10, 2011, are repealed.

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

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

Ord. No. 1551-13.

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

An emergency ordinance authorizing the execution and delivery of an Amended and Restated Petition and approving the Amended and Restated Petition, Articles of Incorporation and Revised Plan of the Northeast Ohio Advanced Energy District; and declaring an emergency.

Whereas, this Council adopted Resolution 1078-10, a Petition that authorized the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District (the "District") through the adoption of a petition that designated a parcel within the City for the implementation of an eligible special improvement project (the "Petition"); and

Whereas, the District is a special improvement district formed under Chapter 1710 of the Ohio Revised Code ("the Revised Code") and is authorized to levy assessment to pay costs for developing and implementing plans for public improvements and public services that benefit the special improvement district, including special energy improvement projects as defined within Chapter 1710 of the Revised Code; and

Whereas, the District prepared and adopted a proposed initial plan for special energy improvement projects benefitting the district (the "Plan"), which was submitted to the City and adopted by this Council with the Petition included in File No. 1078-10-A; and

Whereas, the Petition and Plan provided for solar photovoltaic and solar thermal energy improvement projects; and

Whereas, Chapter 1710 of the Revised Code has been expanded and authorizes the District to levy an assessment in support of a special energy improvement project including a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, defined as including energy efficiency technologies, products, and activities that reduce and support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy; and

Whereas, the District has proposed and the Mayor and the Director of Economic Development have agreed and are requesting this Council to adopt an Amended and Restated Plan, that authorizes the District to levy a special assessment

in support of special energy improvement projects authorized under Chapter 1710 of the Revised Code; and

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

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

Section 1. That the Director of Economic Development is authorized to execute and deliver the Amended and Restated Petition on behalf of the City in substantially the form on file with the Clerk of Council, File No. 1551-13-A, together with such revisions and additions as are approved by the Director of Law as being consistent with the objective and requirements of this resolution

Section 2. That the Amended and Restated Petition as executed and delivered as provided in Section 1 hereof is approved.

Section 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meeting open to the public in compliance with the law.

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

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

Ord. No. 1552-13.

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

An emergency ordinance approving the addition of certain property to the Northeast Ohio Advanced Energy District; accepting a petition from owners of property in the District; approving a plan identifying a special energy improvement project; declaring it necessary to conduct the special energy improvement project; providing for the assessment of the cost and expense of such special energy improvement project; and authorizing the Director of Economic Development to enter into a Cooperative Agreement to implement the project; and declaring an emergency.

Whereas, this Council adopted Resolution 1078-10 and passed Ordinance No. 1551-13, adopting a Petition and authorizing the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District (the "District") through the adoption of a petition designating a parcel within the City for the implementation of an eligible special improvement project (the "Petition"); and

Whereas, the District is a special improvement district formed under Chapter 1710 of the Ohio Revised Code ("the Revised Code") and is

authorized to levy assessments to pay costs for developing and implementing plans for public improvements and public services that benefit the special improvement district, including special energy improvement projects as defined within Chapter 1710 of the Revised Code; and

Whereas, Chapter 1710 of the Revised Code authorizes the District to levy an assessment in support of a special energy improvement project including a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, defined as including energy efficiency technologies, products, and activities that reduce and support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy; and

Whereas, Chapter 1710 of the Revised Code authorizes property owners to petition the District to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

Whereas, Playhouse Square Foundation is the Sole Member of PS 1317, LLC, the Managing Member of Playhouse Square 1317, LLC, which is the owner of PPN 103-01-035; and

Whereas, Playhouse Square Foundation is the General Partner of One Playhouse Square Investors, Ltd., which is the owner of PPN 103-01-033; and

Whereas, Playhouse Square Holding Company, LLC is the Managing Member of PSC Hanna Building LLC, which is the owner of PPN 103-01-021; and

Whereas, Playhouse Square Holding Company, LLC is the Managing Member of PSC Bulkley Building LLC, which is the owner of PPN 103-01-032; and

Whereas, the entities referenced in the four preceding clauses are collectively referred to as "Owners" and the parcels referenced in the four preceding clauses are collectively referred to as "Property"; and

Whereas, the Owners of the Property, which constitutes one hundred percent of the property proposed to be added to the District, has proposed to conduct a special energy improvement project and has submitted a Petition (the "Playhouse Square Petition") to the District requesting that the Property be added to the District and that a Special Assessment be placed upon the Property to secure a loan provided by the State of Ohio Development Services Agency to partially fund the special energy improvement project further described in the plans and specifications (the "Playhouse Square Plan") attached to the Playhouse Square Petition; and

Whereas, the Owners have provided within the Playhouse Square Petition a certificate consenting to the inclusion of the property in multiple special assessment districts in accordance with Section 1710.02 of the Revised Code; and

Whereas, the District has reviewed and approved the Playhouse Square Petition and the Playhouse Square Plan and submitted it to the City and this Council in accordance with 1710.06(B) of the Revised Code; and

Whereas, the State of Ohio, Department of Energy, has reviewed the Playhouse Square Plan and determined that the proposed special energy improvement project described in the Playhouse Square Plan is projected to achieve a 31.7% energy use reduction, resulting in the reduction of 10,027 metric tons of carbon dioxide; and whereas

Whereas, under the Section 1710.06(B) of the Revised Code, the Petition and Plan are to be approved or disapproved by ordinance of the Council within sixty days of filing of the Petition with the City; and

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

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

Section 1. That the Playhouse Square Petition and the Playhouse Square Plan referred to in the preambles of this ordinance and on file in File No. 1552-13-A are approved.

Section 2. That under Chapter 1710 of the Revised Code and the Petition, the Council consent to the addition of the Property to the District.

Section 3. That the Plan submitted as part of the Petition placed in the above-mentioned file is approved.

Section 4. That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the special energy improvements as defined in the Plan for a fifteen-year period commencing after passage of the ordinance to proceed in this manner.

Section 5. That it is determined that the Property will be specifically benefited by the above described special energy improvements and shall be assessed to pay for the costs of the special energy improvements, calculated based on a Cooperative Agreement between the City, Cuyahoga County, the State of Ohio, the District, and the Owner.

Section 6. That the Plan placed in the above-mentioned file is approved at an estimated cost of \$603,715 per year and at an estimated total cost up to \$8,452,010.

Section 7. That the entire cost of the Plan in the District be specially assessed as defined in the above-mentioned Cooperative Agreement. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances, the costs incurred in connection with the preparation, levy, and collection of the special assessments, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

Section 8. That the assessments to be levied shall be paid when levied as described in the above-mentioned Cooperative Agreement. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Fiscal Officer on or before September 1 of each year to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 9. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

Section 10. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated

assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

Section 11. That the Director of Economic Development is authorized, on the behalf of the City, to negotiate and enter into a Cooperative Agreement, and any other documents required to effectuate the assistance authorized by the ordinance, with the State of Ohio, Cuyahoga County, the District, the Owners and/or Playhouse Square Foundation, or its designee, to provide for the calculation, imposition, and payment of the Special Assessment.

Section 12. That any such agreements shall be prepared by the Director of Law.

Section 13. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing, and servicing of the special assessment. The fees shall be deposited to and expended from 17 SF 305, Loan Fees Fund.

Section 14. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meeting open to the public in compliance with the law.

Section 15. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1553-13.

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

An emergency ordinance approving the addition of certain property to the Northeast Ohio Advanced Energy District; accepting a petition from owners of property in the District; approving a plan identifying a special energy improvement project; declaring it necessary to conduct the special energy improvement project; providing for the assessment of the cost and expense of such special energy improvement project; and authorizing the Director of Economic Development to enter into a Cooperative Agreement to implement the project; and declaring an emergency.

Whereas, this Council adopted Resolution 1078-10 and passed Ordinance No. 1551-13, adopting a Petition and authorizing the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District (the "District") through the adoption of a petition designating a parcel within the City for the implementation of an eligible special improvement project (the "Petition"); and

Whereas, the District is a special improvement district formed under Chapter 1710 of the Ohio Revised Code ("the Revised Code") and is authorized to levy assessment to pay costs for developing and implementing plans for public improvements and public services that benefit the special improvement district, including special energy improvement projects as defined within Chapter 1710 of the Revised Code; and

Whereas, Chapter 1710 of the Revised Code authorizes the District to levy an assessment in support of a special energy improvement project including a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, defined as including energy efficiency technologies, products, and activities that reduce and support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy; and

Whereas, Chapter 1710 of the Revised Code authorizes property owners to petition the District to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

Whereas, Optima 777 LLC is the owner of Permanent Parcel No. 101-04-009 (the "Property"), which constitutes one hundred percent of the property proposed to be added to the District, and has proposed to conduct a special energy improvement project and has submitted a Petition (the "Optima Petition") to the District requesting that the Property be added to the District and that a Special Assessment be placed upon the Property to secure a loan provided by the State of Ohio Development Services Agency to partially fund the special energy improvement project further described in the plans and specifications (the "Optima Plan") attached to the Optima Petition; and

Whereas, Optima 777 LLC has provided within the Optima Petition a certificate consenting to the inclusion of the property in multiple special assessment districts in accordance with Section 1710.02 of the Revised Code; and

Whereas, the District has reviewed and approved the Optima Petition and the Optima Plan and submitted it to the City and this Council in accordance with 1710.06(B) of the Revised Code; and

Whereas, the State of Ohio, Department of Energy, has reviewed the Optima Plan and determined that the proposed special energy improvement project described in the Optima Plan is estimated to achieve a 45% energy use reduction, resulting in the reduction of 2,388 metric tons of carbon dioxide; and

Whereas, under the Section 1710.06(B) of the Revised Code, the Petition and Plan are to be approved or disapproved by ordinance of the Council within sixty days of filing of the Petition with the City; and

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

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

Section 1. That the Optima Petition and the Optima Plan referred to in the preambles of this ordinance and on file in File No. 1551-13-A are approved.

Section 2. That under Chapter 1710 of the Revised Code and the Petition, the Council consent to the addition of the Property to the District.

Section 3. That the Plan submitted as part of the Petition placed in the above-mentioned file is approved.

Section 4. That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the special energy improvements as defined in the Plan for a fifteen-year period commencing after passage of the ordinance to proceed in this manner.

Section 5. That it is determined that the Property will be specifically benefited by the above described special energy improvements and shall be assessed to pay for the costs of the special energy improvements, calculated based on a Cooperative Agreement between the City, Cuyahoga County, the State of Ohio, the District, and the Owner.

Section 6. That the Plan placed in the above-mentioned file is approved at an estimated cost of \$496,100 per year and at an estimated total cost of \$6,945,400.

Section 7. That the entire cost of the Plan in the District be specially assessed as defined in the above-mentioned Cooperative Agreement. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances, the costs incurred in connection with the preparation, levy, and collection of the special assessments, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

Section 8. That the assessments to be levied shall be paid when levied as described in the above-mentioned Cooperative Agreement. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Fiscal Officer on or before September 1 of each year to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 9. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

Section 10. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this Resolu-

tion and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

Section 11. That the Director of Economic Development is authorized, on the behalf of the City, to negotiate and enter into a Cooperative Agreement, and any other documents required to effectuate the assistance authorized by the ordinance, with the State of Ohio, Cuyahoga County, the District, and/or Optima 777 LLC to provide for the calculation, imposition, and payment of the Special Assessment.

Section 12. That any such agreements shall be prepared by the Director of Law.

Section 13. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing, and servicing of the special assessment. The fees shall be deposited to and expended from 17 SF 305, Loan Fees Fund.

Section 14. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meeting open to the public in compliance with the law.

Section 15. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1554-13.

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

An emergency ordinance determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement, for a period up to five years.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, design elements, structural layouts, and for roof, civil, mechanical, electrical, site and building systems and related work, for the various divisions of the Department of

Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities is authorized until December 31, 2018, to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

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

Section 4. That the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 245, 54 SF 001, 58 SF 001, and 58 SF 230, Request No. RQS 2002, RL 2013-151.

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

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

Ord. No. 1555-13.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Sections 351.01 to 351.19 relating to riparian setbacks and wetlands setbacks; and to amend Section 327.99, as amended by Ordinance No. 899-06, passed August 16, 2006, relating to penalties under the Zoning Code.

Whereas, flooding is a significant threat to public health and safety and public and private property in the City of Cleveland, and riparian areas and wetlands lessen flood damage by holding runoff and releasing it slowly over time; and,

Whereas, streambank erosion in the City of Cleveland is a significant threat to public health and safety and public and private property, and riparian areas and wetlands control runoff and reduces its erosive force; and,

Whereas, insufficient control of riparian areas and wetlands can result in significant damage to receiving water resources, impairing the capacity of these resources to sustain aquatic systems and their associated aquatic life use designations; and,

Whereas, there is a regional effort to reduce the flooding and erosion and to protect water quality, riparian areas and wetlands and to pro-

tect and enhance the water resources of the City of Cleveland, and the City of Cleveland recognizes its obligation as a part of a watershed to reduce flooding and erosion and to protect water quality by controlling runoff within its borders; and,

Whereas, to promote public health and safety and sound economic development in the City of Cleveland, it is important to provide homebuilders, developers, and landowners with consistent, technically feasible, and operationally practical standards for storm water management; and,

Whereas, Ohio EPA has interpreted Permit No. OHQ00002, effective January 30, 2009, Part II, §5 to require designated communities, including the City of Cleveland, to develop a Storm Water Management Program to address the quality of storm water runoff during and after soil disturbing activities through the use of best management practices such as appropriate policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; and,

Whereas, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; and,

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 351.01 to 351.19 to read as follows:

Chapter 351 Riparian Setbacks and Wetlands Setbacks

Section 351.01 Purpose

(a) It is determined that the system of wetlands, riparian areas, rivers, streams, and other natural watercourses within the City contributes to the health, safety, and general welfare of the residents. The specific purpose and intent of this chapter is to regulate uses and developments within riparian and wetland areas for the benefit of the City for the following reasons:

(1) To establish consistent, technically feasible and operationally practical standards to achieve a level of storm water quantity and quality control to minimize damage to public and private property and degradation of water resources from the impacts of flooding, erosion and storm water pollution.

(2) To reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.

(3) To reduce urban storm water pollutants, including pollutants already present in watercourses, especially during periods of high flows, through filtration, settlement, and absorption and transformation of

those pollutants in the riparian and wetland setback, before the pollutants enter watercourses.

(4) To reduce sediment pollution, especially from erosion, by preventing unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.

(5) To assist in stabilizing the banks of watercourses to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks.

(6) To preserve to the maximum extent practicable the value of the natural drainage characteristics in the City, including on building sites, minimizing the need for costly engineering solutions to flooding and erosion problems such as the construction, repair, and replacement of enclosed storm drain systems.

(7) To minimize encroachment on wetlands and watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap armoring, to protect structures and reduce property damage and threats to the safety of residents; and contribute to the scenic beauty and environment of the City preserving the character of the City, the quality of life of the residents of the City, and corresponding property values.

(8) To reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, and wetlands, resulting from inadequate storm water management due to the loss of riparian areas and wetlands.

(9) To protect and maintain the receiving water's or wetland's physical, chemical, and biological characteristics and, in turn, to maintain its riparian or wetland functions, benefits and values.

(10) Provide habitat to a wide array of aquatic organisms and wildlife, including but not limited to many that are on Ohio's Endangered and/or Threatened Species listings, by maintaining diverse and connected riparian and wetland vegetation.

(11) To reduce the long-term expense of remedial projects and maintenance projects needed to address problems caused by inadequate storm water management and control.

(b) The following regulations have been enacted to protect the values, services and benefits riparian and wetland areas provide by establishing reasonable management and controls governing structures and uses within a wetland setback and a riparian setback along designated watercourses in the City.

Section 351.02 Scope, Applicability, and Activities Requiring A Permit

(a) Applicability and Compliance:
(1) These regulations shall apply to:

A. All activities, uses and structures on lands and waters that are within the jurisdiction of the City and that contain or are adjacent to designated watercourses or wetlands as defined in these regulations, except for the federally designated navigation channel of the Cuyahoga River and the Lake Erie Waterfront or as otherwise exempted in this chapter.

B. These regulations shall apply to property subdivision/property/parcel split plan approvals, site plan approvals, and land development plan approvals in regulated areas under this chapter.

C. These regulations shall apply to all building permits, which involve activities regulated under this chapter.

(2) Activities Regulated By Permit:
All activities in regulated riparian or wetland areas in this chapter including: filling; excavating; dredging; clear-cutting; grading; construction; removal of peat, sand or gravel; alteration of the water level or water table; disturbance of any surface drainage characteristics, sediment patterns or flood retention characteristics; or any other alteration or use of a riparian or wetland area that is not exempted from the permit requirement under this chapter. Any such activity shall require a permit from the Department of Building and Housing. The Department of Building and Housing will issue no approvals or permits for activities that do not meet the standards and criteria in this chapter or without the applicant's full compliance with the terms of this chapter.

(3) Before any permit or certificate of occupancy is issued, the Director of Building and Housing or the Director's designated representative, shall examine or cause to be examined the application, and any plans and plot plan accompanying the application, to ascertain whether the proposed work and use will conform to the provisions of this Chapter, and all other applicable Codified Ordinances. At least four copies of site, construction, and topography plans and elevations drawn to a measurable scale to the specifications, required to determine compliance, are required to be submitted with the application. No permit or certificate of occupancy shall be issued unless the proposed work and use conform to the provisions of all applicable sections of this Chapter and the Cleveland Codified Ordinances.

Section 351.03 Consultation and Coordination With Other Regulatory Agencies

(a) In implementing these regulations the Director of Building and Housing or other City officials may consult with the local county Soil and Water Conservation District (SWCD), state and federal agencies and any other technical experts the Director deems necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative.

(b) The Director may require that a permit applicant obtain any other applicable federal, state, or local regulatory permits needed for a proposed activity before applying for a permit under this chapter.

Section 351.04 Definitions

As used in this chapter:

(a) "Approving Authority" means the official responsible for administering the applicable program(s).

(b) "Best Management Practice (BMP)" With regard to this chapter, BMP means any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by non-point sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and

operation and maintenance procedures.

(c) "Certified Professional in Erosion and Sediment Control (CPESC)" means a person that has subscribed to the Code of Ethics and has met the requirements established by the CPESC Council of Certified Professional In Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

(d) "Channel" means a natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

(e) "Concentrated Storm Water Runoff" means surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels, or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

(f) "Conservation" means the wise use and management of natural resources.

(g) "Damaged or Diseased Trees" means trees that have split trunks, broken tops, heart rot, or insect or fungus problems, that will lead to imminent death or undercut root systems that put the tree in imminent danger of falling or leaning as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling.

(h) "Designated Watercourse" means a watercourse that is contained within, flows through, or borders the City and meets the criteria set forth in these regulations.

(i) "Deteriorated Structure" means a structure which has sustained substantial damage from any origin and which the cost of restoring the structure to its before-damaged condition would be equal to, or greater than 50% of, the market value of the structure before the damage occurred.

(j) "Development Area" means any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth disturbing activity is to be performed.

(k) "Ditch" means an excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.

(l) "Dumping" means the grading, pushing, piling, throwing, unloading or placing of soil or other material.

(m) "Earth Disturbing Activity" means any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

(n) "Erosion" means the process by which the land surface is worn away by the action of water, wind, ice, or gravity.

(o) "Existing" means in existence at the time of the passage of this chapter and these regulations.

(p) "Federal Emergency Management Agency ("FEMA)" means the agency with overall responsibility for administering the National Flood Insurance Program.

(q) "Grading" means earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

(r) "Impervious Cover" means any surface that cannot effectively absorb or infiltrate water. This includes, but is not limited to, roads,

streets, parking lots, rooftops, and sidewalks.

(s) "Intermittent Stream" means a natural channel that may have some water in pools, but where surface flows are non-existent or interstitial (flowing through sand and gravel in stream beds) for periods of one week or more during typical summer months.

(t) "Larger Common Plan of Development or Sale" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(u) "Landslide" means the rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

(v) "Local County SWCD" means the Cuyahoga County Soil and Water Conservation District.

(w) "National Wetlands Inventory Map" means wetland maps that were created by the U.S. Fish and Wildlife Service and the U.S. Department of Interior.

(x) "Natural Resources Conservation Service (NRCS)" means an agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

(y) "NPDES Permit" means a National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

(z) "Noxious Weed" means any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of these regulations shall prevail.

(aa) "Ohio EPA" means the Ohio Environmental Protection Agency.

(bb) "Ohio Wetlands Inventory Map" means wetland maps that were created by the Natural Resources Conservation Service, USDA, and the Ohio Department of Natural Resources.

(cc) "Ordinary High Water Mark" means the point of the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(dd) "Outfall" means an area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

(ee) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

(ff) "Perennial Stream" means a natural channel that contains water throughout the year, except possibly during periods of extreme drought.

(gg) "Professional Engineer" means a person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of

Registration for Engineers and Surveyors.

(hh) "Qualified Forester" means any forester employed by the Ohio Department of Natural Resources, Division of Forestry, or any person attaining the credential of Certified Forester as conferred by the Society of American Foresters.

(ii) "Qualified Wetland Professional" means an individual qualified and competent in the areas of botany, hydric soils, and wetland hydrology, and is acceptable to the Director of Building and Housing as meeting these qualifications.

(jj) "Redevelopment" means the demolition or removal of existing structures or land uses and construction of new ones.

(kk) "Retention Basin" means a storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

(ll) "Riparian Area" means the area adjacent to watercourses that if naturally vegetated and/or appropriately revegetated and appropriately sized, limits erosion, reduces flood flows, and/or filters and settles out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.

(mm) "Riparian Setback" means those lands within the City that are alongside streams, and which fall within the area defined by the criteria set forth in these regulations.

(nn) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

(oo) "Sediment Control" means the limiting of sediment being transported, by controlling erosion or detaining sediment-laden water, and allowing the sediment to settle out.

(pp) "Sediment Pollution" means failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

(qq) "Sensitive Area" means an area or water resource that requires special management because of its susceptibility to sediment pollution or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:

(1) Ponds, wetlands or small lakes with less than five acres of surface area;

(2) Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms.

(3) Drainage areas of a locally designated or an Ohio designated Scenic River.

(4) Riparian and wetland areas.

(rr) "Sheet Flow" means water runoff in a thin uniform layer or rills and which is of a small enough quantity to be treated by sediment barriers.

(ss) "Silviculture" means the theory and practice of controlling forest establishment, composition and growth.

(tt) "Slip" means a landslide as defined under "Landslides."

(uu) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.

(vv) "Soil" means unconsolidated erodible earth material consisting of minerals and/or organics.

(ww) "Soil Conservation Service, USDA" means the federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.

(xx) "Soil Disturbing Activity" means clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, soil erosion and sediment pollution.

(yy) "Soil Erosion and Sediment Control" means a written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.

(zz) "Soil Erosion and Sediment Control Practices" means conservation measures used to control sediment pollution and includes structural practices, vegetative practices and management techniques.

(aaa) "Soil Survey" means the official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

(bbb) "Storm Water Conveyance System" means all storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

(ccc) "Stream" means a body of water running or flowing on the earth's surface, or a channel in which such flow occurs. Flow may be seasonally intermittent.

(ddd) "Substantial Damage" means damage of any origin sustained by a structure and the cost of restoring the structure to its before damaged condition would be equal to, or greater than, 50% of the market value of the structure before the damage occurred.

(eee) "USEPA" means the United States Environmental Protection Agency.

(fff) "100-Year Floodplain" means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. For the purposes of this regulation, the 100-year floodplain shall be defined by FEMA or a site-specific Floodplain Delineation in conformance with standard engineering practices and the standards and criteria in the City's Floodplain Management Ordinance at Chapter 3167.

(ggg) "Watercourse" means any natural, perennial, or intermittent lake, pond, channel, stream, river, creek or brook with a defined bed and bank or shore.

(hhh) "Water Resources" means all streams, lakes, ponds, wetlands,

water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters that do not combine or affect a junction with natural surface waters.

(iii) "Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally includes, but are not limited to lands and waters meeting this definition and otherwise often referred to as swamps, marshes, bogs, wetland meadows, ephemeral and tributary streams, vernal pools, reservoirs, ponds, lakes and the land under water bodies.

(jjj) "Wetland, Ohio EPA Category 2 Wetlands" means those wetlands classified by the Ohio EPA as Category 2 wetlands under OAC 3745-1-54 (C)(2), or current equivalent Ohio EPA classification, under generally accepted wetland functional assessment methods acceptable to the U.S. Army Corps of Engineers and Ohio EPA at the time of application of this regulation.

(kkk) "Wetland, Ohio EPA Category 3 Wetlands" means those wetlands classified by the Ohio EPA as Category 3 wetlands under OAC 3745-1-54(C)(3), or current equivalent Ohio EPA classification, under generally accepted wetland functional assessment methods acceptable to the U.S. Army Corps of Engineers and Ohio EPA at the time of application of this regulation.

(lll) "Wetland Setback" means those lands within the City that fall within the area defined by the criteria set forth in these regulations.

(mmm) "Winter" means October 1st to April 1st of each year.

Section 351.05 Establishment of Designated Watercourses and Riparian Setbacks

(a) Designated watercourses shall include those watercourses meeting any one of the following criteria:

(1) All watercourses draining an area greater than square mile, or

(2) All watercourses draining an area less than square mile and having a defined bed and bank.

(3) In determining if watercourses have a defined bed and bank, the City may consult with a representative of the local county SWCD or other technical experts as necessary.

(b) Riparian setbacks on designated watercourses are established as follows:

(1) A minimum of 300 feet on each side of all watercourses draining an area greater than 300 square miles.

(2) A minimum of 120 feet on each side of all watercourses draining an area greater than 20 square miles and up to and including 300 square miles.

(3) A minimum of 75 feet on each side of all watercourses draining an area greater than one half square mile and up to and including 20 square miles.

(4) A minimum of 25 feet on each side of all watercourses draining an area less than one half square mile and having a defined bed and bank as determined above.

(c) Riparian Setback Map:

(1) The City shall use the map "Water Features of the City of Cleveland" produced by the City Planning Commission as the map identifying designated watercourses and their riparian setbacks. Nothing in this chapter shall prohibit the City from amending the map from time to time as may be necessary.

(2) At the time of application of this regulation, if any discrepancy is found between the map "Water Features of the City of Cleveland" and the criteria for designated watercourses, riparian setbacks, or wetland setbacks as set forth in these regulations, the criteria set forth in these regulations shall prevail.

(3) In reviewing and interpreting the maps, the City may consult with a representative of the local county SWCD and other technical experts as necessary.

(d) The following conditions shall apply in riparian and wetland setbacks:

(1) Riparian and wetland setbacks shall be measured in a perpendicular and horizontal direction outward from the ordinary high water mark of each designated watercourse and defined wetland boundary.

(2) Except as otherwise provided in this regulation, riparian and wetland setbacks shall be preserved in their natural state, except that non-conforming structures and non-conforming uses existing at the time of passage of this regulation may be continued in their existing state as determined in these regulations. Riparian setbacks shall be established and marked in the field prior to any soil disturbing or land clearing activities.

(3) Where the 100-year floodplain is wider than a riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA and federal floodplain regulations and the City's Flood Plain Management Ordinances at Chapter 3167.

(4) Where a wetland is identified within a minimum riparian setback, the minimum riparian setback width shall be extended to the outermost boundary of the wetland. In addition, wetlands shall be protected to the extent detailed in these regulations.

(5) Wetlands shall be delineated by a site survey approved by the City using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time an application is made under this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply. Any costs associated with reviewing these delineations may be assessed by the City to the applicant.

(e) The applicant or his or her designated representative shall be responsible for delineating riparian and wetland setbacks, including any expansions or modifications as required by these regulations, and identifying these setbacks on all property subdivision/property/parcel splits, commercial development or other land development plans, and/or building permit applications submitted to the City. This delineation may be done by a metes and bounds, or higher level survey and shall be subject to review and approval by the

City. As a result of this review, the City may consult with a representative of the local county SWCD or other technical experts as necessary.

(f) Prior to any land clearing or soil disturbing activity, riparian and wetland setbacks shall be clearly delineated on site by the applicant or his or her designated representative, and the delineation shall be maintained throughout soil disturbing activities.

(g) No approvals or subdivision plan approval, site plan approval, nor land development plan approval shall be issued by the City prior to on-site delineation of riparian and wetland setbacks in conformance with these regulations. No building permits that include land clearing or soil disturbing activities shall be issued by the City prior to delineation of riparian and wetland setbacks in conformance with these regulations.

(h) Upon completion of an approved property subdivision/property/parcel split, land development, or other improvement, riparian and wetland setbacks shall be permanently recorded on the plat records of the City.

Section 351.06 Establishment of Wetland Setbacks

Wetland setbacks are established as follows:

(a) A minimum of 120 feet surrounding and including all Ohio EPA Category 3 Wetlands, or current equivalent Ohio EPA classification.

(b) A minimum of 75 feet surrounding and including all Ohio EPA Category 2 Wetlands, or current equivalent Ohio EPA classification.

Section 351.07 Procedure for Wetland Setbacks

(a) No change to parcel boundaries or land use change:

(1) Upon filing a request for a building permit that does not involve changing of any parcel boundaries or changes in land use, the applicant will check for indicators of wetlands on the National Wetlands Inventory maps, and Ohio Wetlands Inventory map, and the Cuyahoga County Wetlands Inventory (if applicable). A photocopy of the applicable section of each map will be attached to the permit application.

(2) If a potential wetland is shown on any of the maps or if there is reason for the City to believe that an unmapped wetland exists on or within 120 feet of the project site, the applicant will retain a qualified wetland professional to evaluate the proposed project site for wetlands or wetland buffer areas under this chapter. If no wetland or wetland buffer areas are found, the applicant shall submit a letter from the qualified wetland professional with the preliminary plat or permit application verifying his or her negative findings.

(b) New residential or commercial or other type development and projects involving a change to parcel boundaries or a land use change:

Upon filing a request for approval of a preliminary plat or building permit for new residential, commercial or other type of development that involves changes in any parcel boundaries or changes in land use, the applicant or his or her designated representative shall retain a qualified wetland professional to survey the proposed development site for wetlands. If no wetlands are found, the applicant or his or her designated representative shall submit a letter with

the preliminary plat or permit application verifying that a qualified wetland professional has surveyed the site and found no wetlands. If wetlands are found, the following procedures shall be followed:

(1) A qualified wetland professional, acceptable to the Director of Building and Housing, shall determine the presence of Ohio EPA Category 2 or 3 wetlands (or current equivalent Ohio EPA classification) on the proposed development site using the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of this regulation. Acceptance of this determination shall be subject to approval by the Director of Building and Housing.

(2) If Ohio EPA Category 2 or 3 wetlands (or current equivalent Ohio EPA classification) are located on the proposed development site, the applicant or his or her designated representative shall delineate these wetlands and the wetland setback in conformance with these regulations. The applicant or his or her designated representative shall identify all delineated wetlands and their associated setbacks on all property subdivision/property/parcel split plans, land development plans, and/or permit applications submitted to the City.

(c) Wetlands shall be delineated by a site survey, approved by the City, using delineation protocols accepted by the US Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply.

(d) Wetland setbacks shall be delineated through a metes and bounds, or higher level, survey subject to approval by the City.

(e) Prior to any soil or vegetation disturbing activity, the applicant or his or her designated representative shall delineate wetland setbacks on the development site in such a way that they can be clearly viewed, and such delineation shall be maintained throughout construction.

(f) No approvals or permits shall be issued by the City prior to delineation of wetland setbacks in conformance with this regulation.

(g) Upon completion of an approved property subdivision/property/parcel split, commercial development or other land development or improvement, riparian and wetland setbacks shall be permanently recorded on the plat records for the City and shall be maintained as open space thereafter through a permanent conservation easement. A third party, not the landowner or permittee or the City, which is allowed by state law, shall be given the conservation easement. If no third party will accept the conservation easement, the City shall accept it and protect it in perpetuity.

Section 351.08 Uses Permitted in Riparian and Wetland Setbacks

(a) *By-Right Uses Without A Permit:* No use permitted under these regulations shall be construed as allowing public trespass on privately held lands. Open space uses that are passive in character shall be permitted in riparian and wetland setbacks, including the following:

(1) *Recreational Activity.* Passive recreational use activity, as otherwise legally permitted by federal, state, and local laws, such as hiking, swimming, fishing, hunting, picnicking, and similar uses.

(2) Removal of damaged or diseased trees and control of noxious weeds if the control does not involve drainage or fill.

(3) *Revegetation and/or Reforestation.* Riparian and wetland setbacks may be revegetated, enhanced or restored. Any revegetation must be performed with non-invasive plant species. Refer to the Ohio Invasive Plant Species list created by the Ohio Department of Natural Resources to determine invasive plant species undesirable for revegetation, reforestation, or restoration of riparian areas.

(4) Conservation of soil, vegetation, water, fish, and wildlife consistent with the purposes of this chapter that does not involve hydrologic modification or fill.

(5) *Maintenance of lawns, gardens and landscaping:* Lawns, gardens and landscaping that existed at the time this chapter was enacted, may be maintained as long as they are not increased in size to further encroach onto the riparian area, wetland or watercourse. In that case, trees, shrubbery and other non-lawn wood vegetation in the riparian or wetland setback must be maintained to the extent practicable to reduce the impact to the riparian area, wetland or watercourse.

(b) *By-Right Uses With A Permit:*
(1) *Streambank Stabilization and Erosion Control Measures.* Any activity not prohibited by the regulations that also involves streambank stabilization and erosion control measures may be performed in regulated areas as long as it is conducted under the standards and specifications in the current edition of Ohio's Rainwater and Land Development manual or other standards acceptable to Ohio EPA.

(2) *Crossings.* Crossings of designated watercourses and through riparian setbacks or wetland setbacks by publicly and privately owned roads, drives, sewer and/or water lines and public and private utility transmission lines shall only be allowed upon approval of a Crossing Plan by the Manager of Engineering and Construction. Such crossings shall minimize disturbance in riparian setbacks, wetland setbacks, and watercourse substrate and shall mitigate any necessary disturbances. Soil erosive materials will not be used in making stream crossings.

(3) *Construction of Fencing.* Construction of fencing shall be allowed with the condition that reasonable efforts be taken to minimize the destruction of existing vegetation, provided that the fence does not impede stream or flood flow, and the disturbed area is replanted to the natural or preexisting conditions before the addition of the fence, as approved by the Director of Building and Housing.

Section 351.09 Uses Prohibited in Riparian and Wetland Setbacks

Any use not authorized under this chapter shall be prohibited in riparian and wetland setbacks. By way of example, the following uses are specifically prohibited; however, prohibited uses are not limited to those examples listed here:

(a) *Construction.* There shall be no structures of any kind.

(b) *Dredging or Dumping.* There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for non-commercial composting of uncontaminated natural materials, and except as permitted under this chapter.

(c) *Roads or Driveways.* There shall be no roads or driveways permitted in riparian and/or wetland setback area, except as permitted under this chapter.

(d) *Motorized Vehicles.* There shall be no use of motorized vehicles, except as permitted under this chapter.

(e) *Disturbance of Natural Vegetation.* There shall be no disturbance, including mowing, of the natural vegetation, except for conservation maintenance necessary to control noxious weeds; for plantings that are consistent with this regulation; for disturbances that are approved under this chapter; and for the passive enjoyment, access, and maintenance of landscaping or lawns existing at the time of passage of this regulation as provided in the chapter.

(f) *Parking Lots.* There shall be no parking lots or other human-made impervious cover, except as permitted under this chapter.

(g) *New Surface and/or Subsurface Sewage Disposal or Treatment Areas.* Riparian and wetland setbacks shall not be used for the disposal or treatment of sewage except under local county Board of Health regulations in effect at the time of application of this regulation.

(h) *Crossings.* Crossings of designated riparian and wetland setbacks by publicly and privately owned sewer and/or water lines and small public and small private utility transmission lines in accordance with a permit or regulatory exemption issued by, or under the regulations of, the US Army Corps of Engineers and the Ohio EPA.

(i) *Other permits and approvals.* Nothing in this chapter shall be construed as exempting any person from obtaining other permits by other agencies that may be required, including permits from the US Army Corps of Engineers and/or the Ohio EPA under the federal and state Clean Water Acts.

Section 351.10 Non-Conforming Structures or Uses in Riparian and Wetland Setbacks

(a) A non-conforming use within a riparian and wetland setback that is in existence at the time of passage of this regulation and that is not otherwise permitted under these regulations, may be continued. However, the use shall not be changed or enlarged unless it is changed to a use permitted under these regulations.

(b) A non-conforming structure within a riparian or wetland setback that is in existence at the time of passage of this regulation and that is not otherwise permitted under these regulations, may be continued, but shall not have the existing building footprint or roofline expanded or enlarged.

(c) A non-conforming structure or use or deteriorated structure within a riparian and wetland setback that is in existence at the time of passage of this regulation and that is discontinued, terminated, or abandoned for a period of six (6) months or more, may

not be revived, restored, or re-established. This section shall not apply to a structure that is vacant and that is not subject to condemnation orders by the Director of Building and Housing unless the vacant structure has been destroyed or damaged for more than 50% of its value by flooding, wind, fire, or other natural or man-made force. This section shall also not prohibit ordinary repairs to a residence or residential accessory building that are not in conflict with other provisions of this chapter.

(d) In the case of a non-conforming structure within a riparian or wetland setback, the City will allow a ten (10) foot maintenance access zone measured perpendicular to the structure, to temporarily extend further into the setback as long as disturbance to existing vegetation is minimized and vegetation is restored to the pre-existing state, as near as practical, upon completion. If any soil disturbance in a wetland will occur as part of any such maintenance activity, a permit from the U. S. Army Corps of Engineers or the Ohio EPA, as appropriate, must be submitted prior to the onset of the soil disturbing activity.

(e) In the case of a non-conforming residential structure, the Director of Building and Housing may allow minor upgrades to the structure that extend further into the riparian setback, such as awnings and pervious decks/patios, provided the modifications do not extend more than ten (10) feet further toward the watercourse than the original foundation of the structure existing at the time of passage of this regulation, and further provided that the modification will not impair the function of the riparian zone or wetland nor destabilize any slope nor stream bank, as determined by the Director of Building and Housing.

Section 351.11 Variances within Riparian and Wetland Setbacks

(a) The Board of Zoning Appeals may grant a variance from this regulation as provided in these codified ordinances. In determining whether there is unnecessary hardship or practical difficulty to justify the granting of a variance, the Board of Zoning Appeals shall consider the potential harm to, or reduction in the functions of, the riparian area or wetland area that may be caused by a proposed structure or use.

(b) In making a variance determination, the Board of Zoning Appeals shall consider the following:

(1) Varying the front, rear and side yard setback before the riparian and wetland setbacks are varied.

(2) Variances should not be granted for asphalt or concrete paving in the riparian and wetland setbacks in any situation where gravel or porous pavement (i.e., porous pavers, and similar products) will do the job.

(c) In making a variance determination, the Board of Zoning Appeals may consider the following:

(1) A parcel existing at the time of enactment of this chapter is made unbuildable.

(2) The soil type and natural vegetation of the parcel, as well as the percentage of the parcel that is in the 100-year floodplain. The standards and criteria for granting variances in the City's Flood Plain Management Ordinances at Chapter 3167 may be used as guidance.

(3) The extent to which the requested variance impairs the flood control, soil erosion control, sediment control, water quality protection, ecological functions, or other functions of the riparian area or wetland area. This determination shall be based on sufficient technical and scientific data.

(4) The degree of hardship with respect to the use of the property or the degree of practical difficulty with respect to maintaining the setback as established in this chapter placed on the landowner, and the availability of alternatives to the proposed structure or use.

(5) Soil disturbing activities permitted in a riparian setback areas or wetland setback areas through variances should be controlled in order to minimize clearing to the maximum extent possible, and must include Best Management Practices necessary to minimize soil erosion and maximize sediment control.

(6) The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in or near the riparian setback areas or wetland setback areas that compromises the benefits of the riparian setback areas or wetland setbacks areas received by the City.

(7) Whether the benefit of reduction of storm water infiltration into the soil in wetland areas will be lost.

(8) If the request is for an above-ground fence, whether it increases the existing area of mowed grass or lawn.

(9) Whether parking needs can be modified before varying the riparian setback.

(10) Whether the building shape, size or design can be modified to avoid or minimize intrusion into the riparian setback.

(11) In the case of a lot made unbuildable by this regulation, the minimum variance needed to make it buildable for an appropriately-sized and compatibly-designed structure, while following the guidance provided in this section.

(12) Whether the variance will increase the likelihood of flood or erosion damage to either the applicant's property or to other properties.

(13) Culverting of watercourses should be avoided.

(14) Whether the variance will result in the need for artificial slope or bank stabilization measures that could interfere with the function of the riparian or wetland zone.

Section 351.12 Mitigation

All riparian or wetland restoration, creation and/or enhancement projects required under this chapter either as a permit condition or as a result of an enforcement action shall follow a mitigation plan prepared by a qualified professional and approved by the Director of Building and Housing. The applicant or violator shall receive written approval of the mitigation plan by the Director of Building and Housing prior to commencement of any wetland area restoration, creation or enhancement activity. To realize preservation goals, the City will use the following methods of riparian or wetland impact mitigation in order of preference:

(a) The applicant shall avoid all impacts that degrade the functions and value of the wetland. Unless otherwise provided in this chapter if alteration to the area is unavoidable, all adverse impacts to the area and

associated buffer resulting from a development proposal shall be mitigated under an approved wetland report and an approved mitigation plan.

(b) Mitigation shall be in-kind and onsite, when possible, and sufficient to maintain the functions and values of the riparian/wetland area.

(c) Mitigation shall not be implemented until after the Director of Building and Housing or his designated authority has approved the appropriate wetland report and mitigation plan.

(d) *Mitigation measures.* Mitigation shall achieve equivalent or greater biological and habitat functions as existed in wetland prior to mitigation. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to these areas. When an alteration is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

(1) Avoid impact altogether by not taking a certain action or parts of an action;

(2) Minimize impact by limiting the degree or magnitude of the action by project redesign, relocation, timing changes, or technological applications;

(3) Rectifying the impacts to wetlands, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to conditions equal to or higher quality than at the time of initiation of the project;

(4) Restoring, replacing, or enhancing the wetland on site of the project;

(5) Restoring, replacing, or enhancing degraded riparian corridors/wetlands in the same sub-basin;

(6) Preserving high quality wetlands that are under eminent threat;

(7) Reduce or eliminate the impact over time by prevention and maintenance operations during the life of the actions;

(8) Compensate for the impact by replacing, enhancing or providing substitute resources or environments;

(9) All mitigation efforts will be monitored and remedial action taken if necessary

(10) Mitigation actions shall be conducted within the same sub-drainage basin and on the impacted site.

Section 351.13 Monitoring Program

The mitigation plan shall include a program for monitoring construction, and for assessing a completed project by a riparian corridor/wetland specialist. A protocol for the schedule of monitoring and reporting shall be implemented that verify the performance standards are being met. The period of monitoring shall be adequate to verify that the performance goals and objectives are being met and will vary at the discretion of the Director of Building and Housing, or his designated authority. Monitoring would never be less than three years.

Section 351.14 Financial Guarantees

The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. The requirement of financial guarantees is at the discretion of the Director of Building and Housing based on the size, complexity, and cost of the mitigation project. If financial guarantees are

required they shall be of sufficient funding to ensure mitigation, maintenance, and monitoring.

Section 351.15 Boundary Interpretation and Appeals Procedure

Any applicant seeking a variance to the regulations or criteria under this chapter or any appeal of an administrative order made under this chapter may request the variance or make an appeal to the Board of Zoning Appeals. The following procedures shall apply:

(a) Before filing the request or appeal, when an applicant or his or her designated representative disputes the boundary of a riparian or wetland setback or the ordinary high water mark of a watercourse, the applicant or his or her designated representative shall submit documentation to the Director of Building and Housing which describes the boundary, the applicant's proposed boundary, and justification for the proposed boundary change.

(b) The Department of Building and Housing shall evaluate this documentation and shall make a determination within sixty (60) days. If during this evaluation the Department of Building and Housing requires further information, it may be required of the applicant. In the event that the Department of Building and Housing requests such additional information, the sixty (60) day period for determination shall be postponed until the applicant provides the information.

(c) If the applicant does not receive the determination regarding the boundary dispute within 60 days, the applicant's submission shall be considered denied and the denial may be appealed to the Board of Zoning Appeals within 30 days. In the event the applicant receives an adverse determination, that determination may be appealed to the Board of Zoning Appeals within 30 days.

Section 351.16 Inspection of Riparian and Wetland Setback

The delineation of riparian setbacks or wetland setbacks may be inspected by the City, as follows:

(a) Prior to any soil disturbing activities authorized by the City for a property subdivision/property/parcel split, land development plan, and/or building permit. The applicant or his or her designated representative shall provide the Department of Building and Housing with at least five (5) working days' notice under this chapter prior to starting soil disturbing or land clearing activities.

(b) Prior to starting any of the activities authorized by this chapter, the applicant or his or her designated representative shall provide the Department of Building and Housing with at least five (5) working days' notice prior to starting the activities.

(c) Any time evidence is brought to the attention of the City that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

Section 351.17 Disclaimer of Liability

Neither submission of a plan under the provisions of this chapter, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

Section 351.18 Conflicts, Severability, Nuisances & Responsibility

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other City provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on his or her property. Compliance with the provisions of this regulation shall not be a defense in any action to abate the nuisance.

(d) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

Section 351.19 Authority to Stop Work

Upon notice from the Director of Building and Housing, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. The notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which the work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Director of Building and Housing may require that work be stopped upon verbal order pending issuance of the written order.

Section 2. That Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 899-06, passed August 16, 2006, is amended to read as follows:

Section 327.99 Penalty

(a) Except as provided in divisions (c) and (d) below, any person, firm or corporation who violates any of the provisions of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or imprisoned for not less than ten (10) days, nor more than ninety (90) days, or both. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist under notification thereof.

(b) The imposition of any penalty under this division shall not be construed as excusing or permitting the continuance of any violation, and when the violation constitutes a nuisance, any owner of the premises, whether the owner at the time the violation was committed or his or her assignee, shall be deemed guilty of a violation of this Zoning Code each day he or she permits such nuisance to continue unabated after due notice from the Director of Building and Housing of the existence of such nuisance.

(c) Any person, firm, or corporation who violates any provision of Section 337.16 of this Zoning Code or who fails

to comply shall, for each and every violation or failure, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00) which fine shall not be reduced, waived or suspended. In addition, imprisonment for not less than ten (10) days nor more than ninety (90) days may be imposed. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(d) Whoever violates Sections 337.23, 347.02, 347.10, 349.02, 349.04, 349.13, 350.19, 357.13, or, 357.14 or Section 347.08 as a first offense of that section shall be fined not more than one hundred fifty dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(e) Whoever violates Section 347.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days, or both. Whoever violates Section 347.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both.

(f) Whoever violates or fails to comply with any provision of Chapter 351 is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

Section 3. That existing Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 899-06, passed August 16, 2006, is repealed.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1557-13.

By Council Members Brancatelli, Cimperman and Cummins.

An emergency resolution supporting Western Reserve Land Conservancy's Clean Ohio Green Space Conservation Program application to the Ohio Public Works Commission for the Lower Big Creek Project in the City of Cleveland.

Whereas, the City of Cleveland recognizes the wishes to preserve open space, protect water quality, and create opportunities for passive recreation within the city of Cleveland; and

Whereas, Western Reserve Land Conservancy intends to apply for Clean Ohio Green Space Conservation Program funds to acquire approximately 25 acres of land located in the City of Cleveland,

known as the Lower Big Creek Project (the "Project"); and

Whereas, acquisition of this property will help preserve open space and improve water quality within the Big Creek Watershed; and

Whereas, this Project will contribute to a network of green space already protected in the City of Cleveland; and

Whereas, the Western Reserve Land Conservancy's application to the Ohio Public Works Commission, or this Council's support thereof, does not commit the City of Cleveland to provide monetary support or any other monetary or non-monetary obligation in furtherance of the Project; and

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

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

Section 1. That this Council hereby supports Western Reserve Land Conservancy's Clean Ohio Green Space Conservation Program application to the Ohio Public Works Commission for the Lower Big Creek Project in the City of Cleveland.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Western Reserve Land Conservancy and the Ohio Public Works Commission.

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

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

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

Res. No. 1558-13.

By Council Members Brancatelli and Cimperman.

An emergency resolution supporting Western Reserve Land Conservancy's application to the North-Coast Brownfield Assessment Coalition Program for funds to complete the Phase I and II environmental assessments for the Henninger Landfill property, approximately 25 acres on Pearl Road in the Old Brooklyn Neighborhood of Cleveland.

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

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

Section 1. That this Council hereby supports the Western Reserve Land Conservancy's application to the NorthCoast Brownfield Assessment Coalition Program for funds to complete the Phase I and II environmental assessments for the Henninger Landfill property, approximately 25 acres on Pearl Road in the Old Brooklyn Neighborhood of Cleveland.

Section 2. That the Clerk of Council is hereby directed to transmit certi-

fied copies of this resolution to the Western Reserve Land Conservancy, the NorthCoast Brownfield Assessment Coalition Program and the Cuyahoga County Department of Development.

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

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

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

Res. No. 1559-13.

By Council Member Keane.

An emergency resolution objecting to the transfer of location of a D1 and D2 Liquor Permit to 17109 Lorain Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D1 and D2 Liquor Permit from J & S Rocco Pizza, LLC, 14304 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 4182952 to E B Pizza, LLC, DBA Guys Pizza, 17109 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 23840410005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of

location of a D1 and D2 Liquor Permit from J & S Rocco Pizza, LLC, 14304 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 4182952 to E B Pizza, LLC, DBA Guys Pizza, 17109 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 23840410005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1560-13.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit at 1295 Old River Road and repealing Resolution No. 915-13, objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit to 1057, Inc., The Odeon, 1295 Old River Road, Cleveland, Ohio 44113, Permanent Number 65492620002 by Resolution No. 915-13, adopted by the Council on July 10, 2013; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit to 1057, Inc., The Odeon, 1295 Old River Road, Cleveland, Ohio 44113, Permanent Number 65492620002, be and the same is hereby withdrawn and Resolution No. 915-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 1561-13.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit at 2317 Denison Avenue, 1st floor front and basement, and repealing Resolution No. 1062-13, objecting to said permit.

Whereas, this Council objected to a Transfer of Ownership of a D2, D2X, D3 and D3A Liquor Permit to 2317 Denison Avenue by Resolution No. 1062-13 adopted by the Council on August 14, 2013; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to a the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit at Mober Group, LLC, 2317 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 6072619, be and the same is hereby withdrawn and Resolution No. 1062-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1229-13.

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

An emergency ordinance determining the method of making the public improvement of repairing and improving the Cleveland Municipal Parking Lot gates and replacing signage; and authorizing the Director of Public Works to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 1232-13.

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

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Ohio Department of Education for the 2014 Summer Food Service Program; authorizing the purchase by requirement contract of breakfasts and lunches and for food, food products, beverages, condiments and paper products to implement the grant, for the Division of Recreation, Department of Public Works; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 1408-13.

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

An emergency ordinance to amend Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1604-11, passed December 5, 2011, relating to land reutilization programs.

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

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

Ord. No. 1463-13.

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

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$4,830,000 for the purpose of providing funds to improve municipal cemetery facilities, buildings, structures and grounds and authorizing related matters.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 1464-13.

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

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$3,660,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 1465-13.

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

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$27,110,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions and authorizing related matters.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 1496-13.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. MA 1505-RC 2010-139 with Ohio Garment Rental, dba Coyne Textile Services, Inc. to provide the rental and laundry of work clothing for the various divisions of City government.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1497-13.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants for services necessary to provide group medical, dental, prescription, vision, and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for a period up to one year, with two one-year options to renew, exercisable by the Director of Human Resources.

Approved by Directors of Human Resources, Finance, Law; Passage recommended by Committee on Finance, when amended, as follows:

1. In the title, strike line 3 in its entirety and insert "**enter into one or more contracts in order to provide professional**".

2. In the title, line 8, after "through benefits", insert "**and stop-loss coverage**".

3. In Section 1, line 5, at the beginning, insert "**and stop-loss coverage**".

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

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

Ord. No. 1500-13.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of medical supplies and equipment, for the various divisions of City government, for a period of one year, with one option to renew for an additional one year peri-

od, exercisable by the Director of Finance.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1501-13.

By Council Member Kelley (by departmental request).

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

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1523-13.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

MOTION

The Council Meeting adjourned at 7:56 p.m. to meet on Monday, November 25, 2013, at 7:00 p.m. in the Council Chamber.

Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 13, 2013

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 13, 2013 at 10:38 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Bender, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson.

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

Tiffany White, Commissioner, Purchases & Supplies.

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

Resolution No. 649-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Shannon Chemical Corporation for an estimated quantity of orthophosphoric acid, item 1, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on September 27, 2013 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,441,600.00 (0%, Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Bender, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 650-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Badger Meter, Inc. except for such terms and conditions as are unacceptable to the Director of Law, for an estimated quantity of the purchase of miscellaneous water meters and parts, items 1-18, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, with one option to renew for one additional year, received on August 29, 2013 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,336,142.60 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Bender, Smith, Acting Director Johnson, Directors Butler, Flask,

Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 651-13.

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 29, 2013 for an estimated quantity of the purchase of miscellaneous water meters and parts, item 19, for the Division of Water, Department of Public Utilities, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Dumas, Bender, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 652-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of HD Supply Waterworks, Ltd. for an estimated quantity of stop cock boxes, all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on September 4, 2013 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$100,360.00 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Bender, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 653-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Pro-Tech Systems Group, Inc. for an estimated quantity of labor and materials necessary to repair and maintain supervisory control and data acquisition system (SCADA), all items, for the Division of Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on September 12, 2013, under the authority of Ordinance No. 629-11, passed June 6, 2011, which on the basis of the estimated quantity would amount to \$149,270.00 (0%, 0 Days), is affirmed and approved as the lowest and best bid; and the Director of Public Utilities is requested to enter into a requirement contract for the specified goods and/or services.

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

Yeas: Directors Langhenry, Dumas, Bender, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 654-13.
By Director Cox.

Whereas, Resolution No. 611-13, adopted by this Board on October 16, 2013, authorized the Director of Public Works to enter into a contract with Millstone Management Group (CSB/FBE/LPE) as the lowest responsible bidder for the public improvement of Cleveland Public Auditorium Ground Floor and HVAC Improvements in the aggregate amount of \$429,986.00; and

Whereas, Millstone Management Group (CSB/FBE/LPE) has requested the addition of several material suppliers as subcontractors for the project; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 611-13, adopted October 16, 2013, is amended by adding the following subcontractors approved for employment by Millstone Management Group (CSB/FBE/LPE):

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Braden & McSweeney (other)	\$39,295.00 9.139%
Top Advantage Surfaces (other)	\$ 6,967.99 1.625%
Klosterman Associates, Inc. (other)	\$ 989.00 0.230%

Be it further resolved that all other provisions of said Resolution No. 611-13 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Dumas, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

Resolution No. 655-13.
By Director Rush.

Whereas, Board of Control Resolution No. 581-13, adopted October 2, 2013, authorized the sale and development of Permanent Parcel No. 002-35-215 (Northerly Portion) to Richard H. Swager for yard expansion, 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, in the fourth paragraph, Resolution No. 581-13 incorrectly identified the proposed purchaser of the parcel to be sold as "Richard H. Swager"; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 581-13, adopted by this Board October 2, 2013, authorizing the sale and development of Permanent Parcel No. 002-35-215 (Northerly Portion) to Richard H. Swager for yard expansion, is amended by adding "Jillian E. McFarland" to "Richard H. Swager", where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 581-13 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Dumas, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

Resolution No. 656-13.
By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 107-23-022, located at the corner of East Boulevard & Ashbury in Ward #8; 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, CS Panda LLC has proposed to the City to purchase and develop the parcel for public green space; and

Whereas, the following conditions exist:

1. The member of Council from Ward #8 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 CS Panda LLC for the sale and development of Permanent Parcel Nos. 107-23-022 located at the corner of East Boulevard and Ashbury, 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 \$200,000, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Smith, Acting Director Johnson, Directors Butler, Flask, Rush,

Southerington, Nichols, Fumich and Rybka.

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

Resolution No. 657-13.
By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 119-29-040 located at 2260 East 86th 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, Fairfax Renaissance Development Corporation has proposed to the City to purchase and develop the parcel for green use; and

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Fairfax Renaissance Development Corporation for the sale and development of Permanent Parcel No. 119-29-040 located at 2260 East 86th 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 \$200,000, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

Resolution No. 658-13.
By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 131-35-031, 131-35-168, 133-04-035, 133-04-036, 133-04-038, 133-04-039, 133-

04-090, 133-04-093 and 133-04-094 located in various locations in Ward 12; and

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

Whereas, Northeast Ohio Regional Sewer District has proposed to the City to purchase and develop the parcels for storm water basin and green infrastructure projects; and

Whereas, the following conditions exist:

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

2. The proposed purchaser of the 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 Northeast Ohio Regional Sewer District for the sale and development of Permanent Parcel Nos. 131-35-031, 131-35-168, 133-04-035, 133-04-036, 133-04-038, 133-04-039, 133-04-090, 133-04-093 and 133-04-094 located in various locations, 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 \$20,700.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

Resolution No. 659-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 005-29-076 located at 8800 Tompkins Avenue in Ward 16; and

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

Whereas, Steve J. Griffie has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 16 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Steve J. Griffie for the sale and development of Permanent Parcel No. 005-29-076 located at 8800 Tompkins Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

Resolution No. 660-13.

By Director Nichols.

Whereas, under the authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinance No. 1166-96, passed June 9, 1997, respectively, the Commissioner of Purchases and Supplies ("Commissioner") is authorized, by and at the direction of the Board of Control, to sell certain parcels of the Chagrin Highlands Development Area described therein and consisting of 4.992 acres, and located in the City of Beachwood ("Property"), which parcels are no longer needed for public use, according to the terms of the Master Development Agreement ("MDA") set forth in the ordinance; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinance No. 1166-96, passed June 9, 1997, respectively, the Commissioner of Purchases and Supplies is directed to sell the parcels comprising the Property, and no longer needed for public use, to Chagrin Highlands, LTD., according to the MDA and more fully described as:

LEGAL DESCRIPTION OF A

4992 ACRE PARCEL OF LAND
Situating in the City of Beachwood, County of Cuyahoga, and State of Ohio and known as being a part of Original Warrensville Township Lot No. 68, now in said city, and is more particularly bounded and described as follows:

Beginning in the centerline of Green Road, 80 feet in width, at a 5/8 inch diameter iron pin in a monument box found marking its inter-

section with the northerly line of said Original Lot No. 68, said point of beginning being located North 0°43'37" West a distance of 2280.73 feet as measured along said centerline of Green Road from its intersection with the centerline of Harvard Road, 80 feet in width;

Thence North 89°36'25" East along said northerly line of Original Lot No. 68 a distance of 40.00 feet to its intersection with the easterly line of said Green Road;

Thence South 0°43'27" East along said easterly line of Green Road a distance of 1480.00 feet to an iron pin set at the Principal Point of Beginning of the following described parcel of land;

COURSE I Thence North 89°16'23" East, by a line which is perpendicular to said easterly line of Green Road, a distance of 505.00 feet to an iron pin set at an angle point;

COURSE II Thence South 0°43'37" East, by a line which is parallel with said easterly line of Green Road, a distance of 245.80 feet to an iron pin set at an angle point;

COURSE III Thence South 49°16'23" West, a distance of 394.23 feet to an iron pin set at an angle point;

COURSE IV Thence South 79°16'23" West, a distance of 206.14 feet to an iron pin set in the easterly line of the aforesaid Green Road;

COURSE V Thence North 0°43'37" West along said easterly line of Green Road a distance of 535.00 feet to the Principal Point of Beginning and containing 4.992 Acres (217,470 Square Feet) of land as surveyed and described in April, 2013 by Timothy P. Hadden, Ohio Registered Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways and easements of record.

All points designated as "...iron pin set..." are marked by a 5/8 inch diameter by 30 inch long steel reinforcing bar driven flush with the ground and capped with a 1-1/4 inch yellow plastic disc engraved "CT CONSULTANTS, INC."

Bearings contained herein are based upon the State of Ohio Co-ordinate System of 1983 (North Zone) from observations utilizing the NAD83 (CORS96) Reference Frame.

The above described parcel of land constitutes a split from a larger parcel that is currently designated as Cuyahoga County PPN 742-39-001;

The City of Cleveland claims title to the above described parcel of land by or through instrument dated December 12, 1904 and recorded in Deed Book Volume 968, Page 8 of the Cuyahoga County Records.

The total consideration to be paid for the Property shall be \$679,193, determined as provided by Section 4.2 of the MDA.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed or deeds of the City of Cleveland conveying the Property including easements authorized in Resolution

Yeas: Directors Langhenry, Dumas, Smith, Acting Director Johnson, Directors Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 2, 2013
9:30 A.M.

Calendar No. 13-243: 2393 Professor Avenue (Ward 3)

2393 Tremont LLC, owner appeals to expand use of a restaurant tavern to the second floor of a two-story building located on a 45' x 98' parcel in a C1 General Retail Business District; subject to Section 349.04(f) the proposed additional use requires accessory off-street parking spaces in the amount of one for each four seats or one for each 100 square feet of floor area devoted to patron space, whichever is greater, and the addition of 1,376 square feet of floor area requires 14 parking spaces and no additional spaces are provided. Pursuant to Section 359.01 no enlargement or expansion of a non-conforming use of building or land shall be permitted except as a variance and approval from the Board of Zoning Appeals.

Calendar No. 13-244: 2169 West 31st Street (Ward 3)

Cuyahoga County Land Reutilization, owner, and Jason Brooks, prospective purchaser, appeal to erect a 12'-5" x 24' two-story frame, lower open carport and an open

wooden deck addition to a single family dwelling on a 35' x 63' parcel located in a B1 Two-Family District; subject to the restrictions in Section 337.14 no parking space shall be located less than 10 feet from a wall or building with ground floor windows designed to provide light and ventilation and contrary to Section 337.23(a) proposing an accessory use at 25 feet where a rear half of the lot would be 31 feet; and proposing a rear yard depth of 14'-11" contrary to 20 feet and Section 357.08; with a distance of 3 feet proposed where no building shall be less than 10 feet from a dwelling on an adjacent lot and interior side yards of 2 feet where 3 feet is required, and a total width of side yards on the same premises that equals 3'-6" where not less than 10 feet is required pursuant to Sections 357.09(2)(A) and (B) in the Cleveland Codified Ordinances.

Calendar No. 13-248: 2919 East 37th Street (Ward 5)

Charlie Whitfield, owner appeals to erect a 2,046 square foot addition to an existing one-story concrete building on a 66' x 165.25' parcel located in a C2 Semi-Industry District; subject to Section 337.17 each accessory off-street parking space requires a minimum unobstructed area of 300 square feet; such accessory parking spaces shall be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond the parking space and contrary to Section 349.07(b) none is proposed; and proposing 2 driveways 1 is permitted per each 100 linear feet of frontage, pursuant to Section 349.07(c)(1) in the Cleveland Codified Ordinances; and an existing fence on East 37th Street would not allow access to all of the parking spaces or maneuvering within the proposed parking area.

Calendar No. 13-250: 17714 Windward Road (Ward 11)

Clifford and Amy Whitehead, owners, appeal to erect a 24' x 21' one-story, frame attached garage addition to a single family dwelling on an 80' x 50' parcel located in an A1 One-Family District; proposing a rear yard depth of 4 feet contrary to a required 27 feet and Section 337.08(b)(1); requesting 7 feet contrary to Section 357.09(2)A and not less than 10 feet from a main building on an adjoining lot within a Residence District; and pursuant to Sections 357.09(2)B a minimum interior side yard of 3 feet is required and 2 feet 6 inches is proposed; and contrary to Section 357.13(c)(2) proposing a projection of 2 feet 6 inches where eaves shall not project more than 2 feet into the interior side yard, according to the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 18, 2013

At the meeting of the Board of Zoning Appeals on Monday, November 18, 2013, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 13-223: 9751 Chester Avenue

City of Cleveland, owner, and The Finch Group, prospective purchaser, appealed to erect a six-story 207,770 square foot, mixed use building with retail and 177 dwelling units proposed on a 162,317 square foot consolidated lot and 221 accessory parking spaces located in zoning for Multi-Family, General Retail and One-Family Districts; subject to conditions and pending for legislative change in zoning.

Calendar No. 13-232: 777 East 185th Street

John Fuduric appealed to change use to a brewery for wholesale distribution and retail carry out sales of beer in a C1 Local Retail Business District.

Calendar No. 13-239: 4305 John Avenue

Michael Flickinger appealed to erect a two-story single family residence with attached garage in a B1 Two-Family District.

Calendar No. 13-240: 1881 West 44th Street

Michael Flickinger appealed to erect a two-story single family residence with attached garage in a B1 Two-Family District.

Calendar No. 13-241: 1887 West 44th Street

Debbie Kraus prospective purchaser of a City of Cleveland Land Bank parcel, appealed to erect a two-story single family residence with attached garage in a B1 Two-Family District.

Calendar No. 13-222: 1843 Fulton Road

Alex Preedy appealed to construct a carport, bicycle storage and trash enclosure on a triangular parcel in a B1 Two-Family District.

Calendar No. 13-139: 2843 Franklin Boulevard

Cuyahoga County Board of Commissioners, owner, and Welcome House, Incorporated, prospective purchaser, appealed to convert an existing office and warehouse building to a use for 24 apartments with a 15 space accessory, off-street parking lot in a B1 Two-Family District.

The following appeal was **WITHDRAWN:**

None

The following appeal was **DISMISSED:**

Calendar No. 13-131: 2330 West 30th Street

Joshua Hall, owner, and Sherry Bojarski, tenant, appealed to use a single family residence as a Type A Day Care in a B1 Two-Family District.

The following appeal was **POSTPONED:**

Calendar No. 13-227: 806 Literary Road postponed from December 30, 2013 to February 24, 2014.

The following appeals heard by the Board on November 11, 2013 were adopted and approved on November 18, 2013.

The following appeals were **APPROVED:**

Calendar No. 13-233: 927 East 123rd Street
Paul McPherson appealed to establish use for a barbershop and beauty salon in a C1 Local Retail Business District; subject to conditions.

Calendar No. 13-236: 4113-21 East 71st Street
Gerald Durante, owner, and Elricco Lynch, prospective tenant, appealed to establish use for piercing and tattooing in a C1 General Retail Business District.

Calendar No. 13-237: 1891 East 93rd Street
The Cleveland Clinic appeals to add two (2) parking spaces on an existing parking lot in an E3 Multi-Family District.

Calendar No. 13-214: 3502-06 Clark Avenue
Serrat Enterprises, owner, and Checkers Drive-In Restaurant, prospective tenant appealed to construct a drive-through restaurant with a dining patio in a C2 General Retail Business District.

The following appeal was **DENIED:**

Calendar No. 13-204: 2216 West 101st Street
Irina and Gheoghe Ciornei, owner, and Vasile Balescu, tenant, appealed to establish use as a state licensed residential facility for eleven (11) persons in a B1 Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, DECEMBER 6, 2013

File No. 177-13 — Chrysler Dodge and Jeep Passenger Car, Light and Medium Duty Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, NOVEMBER 22, 2013 AT 10:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 178-13 — City of Cleveland Construction Contract for the Cedar Avenue Reconstruction (E. 55th St. to E. 89th St.), for the Division of Engineering and Construction, Department of Mayor's Office of Capital Projects, as authorized by Ordinance No. 607-12, passed by the Council of the City of Cleveland, June 4, 2012.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 21, 2013 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

File No. 179-13 — Gateway East Parking Garage 2012 Improvements, for the Division of Architecture and Development, Department of Public Works, as authorized by Ordinance No. 533-12, passed by the Council of the City of Cleveland, August 8, 2012.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 21, 2013 AT 11:00 A.M. CLEVELAND CITY HALL, ROOM 517A 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

File No. 180-13 — Loew Park Ball Diamond Improvements, for the Division of Architecture and Development, Department of Public Works, as authorized by Ordinance No. 791-13, passed by the Council of the City of Cleveland, May 20, 2013.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 21, 2013 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 517A 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

November 13, 2013 and November 20, 2013

FRIDAY, DECEMBER 13, 2013

File No. 182-13 — Peterbilt McNiels Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, DECEMBER 2, 2013 AT 10:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 183-13 — Transmission Water Main Renewal Phase I, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 444-10, passed by the Council of the City of Cleveland, June 7, 2010.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, DECEMBER 2, 2013 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

November 20, 2013 and November 27, 2013

FRIDAY, DECEMBER 20, 2013

File No. 181-13 — Mail Extraction Machines (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, DECEMBER 2, 2013 AT 11:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 2ND FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

November 20, 2013 and November 27, 2013

FRIDAY, JANUARY 24, 2014

File No. 184-13 — 1201 Lakeside Avenue Skylight Restoration and Partial Roof Replacement, for the Division of Water, Department of Public Utilities, as authorized by

Ordinance No. 262-12, passed by the Council of the City of Cleveland, May 14, 2012.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING TUESDAY, DECEMBER 3, 2013 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

November 20, 2013 and November 27, 2013

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1525-13.

By Council Member Brady.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 4282 West 130th Street and repealing Resolution No. 1162-13, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 4282 West 130th Street by Resolution No. 1162-13 adopted by the Council on August 14, 2013; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to a New C1 Liquor Permit to Touma, LLC, DBA JJ's Grab & Go, 4282 West 130th Street, Cleveland, Ohio 44135, Permanent Number 9009245, be and the same is hereby withdrawn and Resolution No. 1162-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted November 11, 2013.

Effective November 12, 2013.

Res. No. 1526-13.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3868 East 71st Street and repealing Resolution Nos. 813-13 and 906-13, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 3868 East 71st Street by Resolution No. 813-13 adopted on May 20, 2013 and Resolution No. 906-13 adopted on July 10, 2013 by the Council of the City of Cleveland; and

Whereas, this Council wishes to withdraw its objections to the above permit and consents to said permit; and

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

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

Section 1. That objections to a New C1 Liquor Permit to Q Repairs, LLC, DBA Pizzeria Uno, 3868 East 71st Street, Cleveland, Ohio 44105, Permanent Number 7128770, be and the same is hereby withdrawn and Resolution Nos. 813-13 and 906-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted November 11, 2013.

Effective November 12, 2013.

Res. No. 1527-13.

By Council Member Cleveland.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3489 East 93rd Street and repealing Resolution No. 1066-13, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 3489 East 93rd Street by Resolution No. 1066-13 adopted by the Council on August 14, 2013; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to a New C1 Liquor Permit to Union 93rd Beverage, LLC, 3489 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 9152254, be and the same is hereby withdrawn and Resolution No. 1066-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

Adopted November 11, 2013.
Effective November 12, 2013.

Res. No. 1528-13.

By Council Member Cummins.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3801 Denison Avenue, 1st floor and basement and repealing Resolution No. 925-13, objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D2X, D3 and D3A Liquor Permit to Kovach-Ford, Inc., DBA Pinky's Café, 3801 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 4817939 by Resolution No. 925-13, adopted by the Council on July 10, 2013; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the renewal of D2, D2X, D3 and D3A Liquor Permit to Kovach-Ford, Inc., DBA Pinky's Café, 3801 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 4817939, be and the same is hereby withdrawn and Resolution No. 925-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted November 11, 2013.
Effective November 12, 2013.

Res. No. 1529-13.

By Council Member Cummins.

An emergency resolution withdrawing objection to the renewal of a D2, D3 and D3A Liquor Permit at 5004 Storer Avenue and repealing Resolution No. 926-13, objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D3 and D3A Liquor Permit to Santiago Sanchez Entertainment Group, LLC, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 7709514 by Resolution No. 926-13, adopted by the Council on July 10, 2013; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the renewal of a D2, D3 and D3A Liquor Permit to Santiago Sanchez Entertainment Group, LLC, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 7709514, be and the same is hereby withdrawn and Resolution No. 926-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted November 11, 2013.
Effective November 12, 2013.

Res. No. 1530-13.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D2, D2X and D3 Liquor Permit to 2301 Broadview Road, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D2, D2X and D3 Liquor Permit from Mike's Broadview Bar & Grille, Inc., 2301 Broadview Road, 1st floor and basement and patio, Cleveland, Ohio 44109, Permanent Number 5941894 to 2301 Enterprises, Inc., DBA Old Brooklyn Social Club & Patio, 2301 Broadview Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 9115311; and

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D2, D2X and D3 Liquor Permit from Mike's Broadview Bar & Grille, Inc., 2301 Broadview Road, 1st floor and basement and patio, Cleveland, Ohio 44109, Permanent Number 5941894 to 2301 Enterprises, Inc., DBA Old Brooklyn Social Club & Patio, 2301 Broadview Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 9115311; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 11, 2013.
Effective November 12, 2013.

Res. No. 1534-13.

By Mayor Jackson and Council Members Cimperman, Zone and Westbrook.

An emergency resolution requesting the Director of Transportation of the State of Ohio determine and declare a reasonable and safe prima-facie speed limit of 35 miles per hour for the West Shoreway between Lake Avenue and West 28th Street, effective upon completion of the West Shoreway reconfiguration.

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

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

Section 1. That this Council requests the Director of Transportation of the State of Ohio determine and declare a reasonable and safe prima-facie speed limit of 35 miles per hour for the West Shoreway between Lake Avenue and West 28th Street, including the ramps to and from West 25th Street; this 35 miles per hour speed limit shall be placed in effect upon completion of the West Shoreway reconfiguration, future project "CUY-6-12.20, ODOT PID 86482."

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to the Director of Transportation of the State of Ohio.

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

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

Adopted November 11, 2013.

Effective November 12, 2013.

Res. No. 1535-13.

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

An emergency resolution supporting the efforts of the Northeast Ohio Regional Sewer District to reinstate its Regional Stormwater Management Program.

Whereas, pursuant to Ohio Revised Code Chapter 6119 and Title V of the Code of Regulations enacted by the Northeast Ohio Regional Sewer District (the "District"), the District established a regional stormwater management program which included fully the City of Cleveland; and

Whereas, on June 28, 2012 Cuyahoga County Court of Common Pleas Judge Thomas J. Pokorny issued his final opinion in the case Northeast Ohio Regional Sewer District v. Bath Township, affirming the District's authority to implement a regional stormwater program and determining that the fees are not taxes; and

Whereas, on September 26, 2013, the Eighth District Court of Appeals for Cuyahoga County, reversed the opinion of the Common Pleas Court stating that the District has no authority to enact a regional stormwater management program and is enjoined from implementing Title V and from collecting stormwater fees; and

Whereas, the decision of the Eighth District Court of Appeals threatens to leave the City of Cleveland and much of the rest of Northeast Ohio with no effective means of watershed based, regional stormwater management; and

Whereas, the City of Cleveland has numerous stormwater management issues that can only be effectively addressed on a watershed basis, including flooding along Euclid Creek and Big Creek that has resulted in basements being filled with stormwater and other property damage, as well as the routine flooding of Martin Luther King Drive by Doan Brook; and

Whereas, the City of Cleveland has several regional stormwater management problems that it cannot address within its capital budget, including the Euclid Creek Concrete Spillway Repair, the Euclid Creek Flood Control Rehabilitation Project, the Big Creek Streambank Erosion at John Nagy Boulevard, and the Doan Brook Stream Restoration and Bank Stabilization, collectively estimated to cost at least \$16 million dollars; and

Whereas, the District intends to appeal to the Ohio Supreme Court to overturn the holding of the Eighth District Court of Appeals; and

Whereas, this Council supports the efforts of the District to overturn the decision of the Eighth District Court of Appeals by appeal to the Ohio Supreme Court, and urges the Court to take jurisdiction in this discretionary appeal; and

Whereas, this Council supports the Northeast Ohio Regional District's efforts to manage wet weather, and relies on these efforts;

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

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

Section 1. That this Council hereby supports the efforts of the Northeast Ohio Regional Sewer District to reinstate its Regional Stormwater Management Program.

Section 2. That the Clerk is directed to send a copy of this resolution to Julius Ciaccia, Executive Director of the Northeast Ohio Regional Sewer District.

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

Adopted November 11, 2013.

Effective November 12, 2013.

Ord. No. 1099-13.

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

An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for resurfacing West 130th Street from Brookpark Road to Lorain Avenue in the City of Cleveland; authorizing the Director of Capital Projects to enter into any relative agreements; to apply for and accept an allocation of County Motor Vehicle License Tax funds and any gifts or grants for this purpose from any public or private entities; authorizing one or more contracts with consultants; authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement; and causing payment of the City's share of the Improvement.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: resurfacing West 130th Street from Brookpark Road to Lorain Avenue (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the County of Cuyahoga to use the License Tax Fund for the Improvement. If funds administered by the Ohio Public Works Commission are used for the Improvement, the amount

of the funds will be deducted from designated project costs prior to the application of the participatory percentages. The County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvements, under current Cuyahoga County standards for construction of County roads and bridges. The County will arrange for the supervision and administration of the construction contract. That within the corporate limits of the City, the City agrees to contribute 20% of the cost of construction, including construction supervision, up to a maximum of \$1,000,000. The County shall contribute 100% of the cost of engineering and 80% of the cost of construction, including construction supervision, which is determined to be eligible by the Cuyahoga County Engineer's policies. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the County necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

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

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

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

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

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

(e) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency; and

(f) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the City will arrange for its acquisition.

(c) That the street within the limits of the Improvement is designated a through highway as provided in Section 4511.07(A)(6) of the Revised Code.

(d) That the County shall continue to maintain the structural elements of any bridge within the limits of the

Improvement under applicable sections of the Revised Code.

(e) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the improvement.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(i) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid Manual are met.

(j) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

Section 6. That the Director of Capital Projects is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 7. That this Council requests the County to proceed with the Improvement.

Section 8. That the City gives consent to the county to apply for and accept Ohio Public works commission Issue 1 funds to partially finance the Improvement.

Section 9. That the Director of Capital Projects is authorized to accept

cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 10. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 11. That the Director of Capital Projects, when necessary, is authorized to cause payment to the Greater Cleveland Regional Transit Authority, and other entities or payment of any services which were necessary to construct the Improvement described in this ordinance.

Section 12. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property and easements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value.

Section 13. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 14. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 15. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 16. That this Council authorizes payment to the County of the City's share of the Improvement.

Section 17. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 18. That the cost of the contracts, payments, property acquisition, cash matches, and other expenditures authorized shall be paid from the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, motor vehicle funds, and from Fund Nos. 20 SF 510, 20 SF 520, 20 SF 524, 20 SF 528, 20 SF 534, 20 SF 540, and 20 SF 546, Request No. RQS 0103, RL 2013-128.

Section 19. 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 November 11, 2013.

Effective November 12, 2013.

Ord. No. 1114-13.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more purchase agreements with CP-Snow Properties, LLC and CP-Cleveland Holdings, LLC, or their designee; authorizing the Commissioner of Purchases and Supplies to purchase properties located at 18899 Snow Road and 18951 Snow Road, both located in Brook Park, Ohio, for the Department of Port Control; and authorizing the Director of Port Control to enter into a Parking Management Agreement with Parking Company of America, or their designee, to manage, operate, and maintain the two off-airport parking facilities for a period of ten years.

Whereas, Airport Fast Park is located at 18899 Snow Road and Park Place is located at 18951 Snow Road, both in Brook Park, Ohio; and

Whereas, the City of Cleveland desires to enter into one or more purchase agreements with CP-Snow Properties, LLC and CP-Cleveland Holdings, LLC, or their designee; and

Whereas, under the purchase agreements, the City will acquire the business' assets, including but not limited to, inventories, plants, properties, and equipment, and also assume all applicable operating contracts, leases, licenses, and permits associated with both companies; and

Whereas, under the purchase agreements, the City will agree to enter into a Parking Management Agreement with Parking Company of America, or their designee, to manage, operate, and maintain the properties; and

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

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

Section 1. That, notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a purchase agreement with CP-Snow Properties, LLC and CP-Cleveland Holdings, LLC, or their designee, for the purchase of the business assets of Airport Fast Park located at 18899 Snow Road and Park Place located at 18951 Snow Road, including but not limited to, inventories, plants, properties, and equipment, and also assume all applicable operating contracts, leases, licenses, and permits associated with both companies.

Section 2. That the terms of the purchase agreement shall include, but not be limited to, an upfront payment of approximately \$56.7 million to take out existing lien positions; and revenue-sharing equal to 20% of net cash

flow to the sellers beginning in January 2016.

Section 3. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase Airport Fast Park at 18899 Snow Road and Park Place at 18951 Snow Road, in Brook Park, Ohio, for future economic advantage.

Section 4. That the Director of Port Control is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and record the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 5. That the consideration to be paid for the properties shall not exceed fair market value as determined by the Board of Control.

Section 6. That the Director of Port Control is authorized to enter into a Parking Management Agreement with Parking Company of America, or their designee, to manage, operate, and maintain the two off-airport parking facilities for a period of ten years, payable from the fund or funds to which will be credited the proceeds from the operation of the subject properties.

Section 7. That all costs of acquisition shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 112, 60 SF 114, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 129, 60 SF 130, 60 SF 141, 60 SF 160, and from the fund or funds to which are credited any grants or any passenger facility charges if authorized for this purpose and from the fund or funds to which are credited the proceeds of the sale of future airport revenue bonds issued for this purpose, Request No. RQS 3001, RL 2013-129.

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

Passed November 11, 2013.
Effective November 12, 2013.

Ord. No. 1292-13.
By Council Members Pruitt, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to vacate the 1st Unnamed Alley North of Miles Avenue, S.E., between East 162nd Street and East 163rd Street.

Whereas, under Resolution No. 1721-12, adopted March 18, 2013, this Council declared its intention to vacate the 1st Unnamed Alley North of Miles Avenue, S.E., between East 162nd Street and East 163rd Street; and

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

Whereas, on September 10, 2013, the Board of Revision of Assess-

ments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of the 1st Unnamed alley (12.00 feet wide) north of Miles Avenue S.E. (86.00 feet wide) between East 162nd Street (60.00 feet wide) and East 163rd Street (60.00 feet wide) in the Sorrento Park Subdivision of part of Original Warrensville Township Lot Nos. 72-82 as shown by the recorded plat in Volume 15 of Maps, Page 13 of Cuyahoga County Records.

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

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

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

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

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

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

Passed November 11, 2013.
Effective November 12, 2013.

Ord. No. 1294-13.
By Council Members Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to vacate a portion of Carnation Court, N.E.

Whereas, under Resolution No. 251-13, adopted April 29, 2013, this Council declared its intention to vacate a portion of Carnation Court, N.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections

would be heard before the Board of Revision of Assessments; and

Whereas, on September 10, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original 100 Acre Lot numbers 364 and 365, further described as follows:

All that portion of Carnation Court N.E. (10.00 feet wide) extending from the East right of way of East 124th Street (40.00 feet wide) to the West right of way of East 125th Street (60.00 feet wide).

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

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

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

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

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

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

Passed November 11, 2013.
Effective November 12, 2013.

Ord. No. 1295-13.
By Council Members Cimperman, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to vacate a portion of Commercial Road.

Whereas, under Resolution No. 162-13, adopted March 25, 2013, this Council declared its intention to vacate a portion of Commercial Road; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a

time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 10, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and part of Original One-Hundred (100) Acre Lot 487, located in Township 7, Range XII of the Connecticut Western Reserve, and further described as follows:

Commencing at a stone found in a monument box at the intersection of the centerline of Canal Road S.E. (50 feet wide) and the centerline of Canal Street (50 feet wide);

Thence along the centerline of said Canal Street, North 38° 25' 32" West a distance of 170.74 feet to its intersection with the existing centerline of Commercial Road (60 feet wide);

Thence along the centerline of existing Commercial Road, North 5° 33' 47" East a distance of 135.68 feet to its intersection with the projection of the new northwesterly right of way line of East 9th Street (width varies);

Thence along said projection of the new northwesterly right of way line of East 9th Street, South 60° 43' 22" West a distance of 36.55 feet to an iron pin set at its intersection with the existing westerly right of way line of said Commercial Road and being the Place of Beginning;

Thence along the existing westerly right of way line of said Commercial Road, North 5° 33' 47" East a distance of 390.20 feet to an iron pin set at its intersection with the new westerly right of way line of the relocation of Commercial Road (width varies);

Thence along said new westerly right of way line of the relocation of Commercial Road, along the arc of a non-tangent curve to the left having an arc length of 150.52 feet, a radius of 231.00 feet, a delta of 37° 20' 04", a chord bearing of South 18° 22' 33" East, and a chord length of 147.87 feet to an iron pin set at its intersection with the existing easterly right of way line of Commercial Road;

Thence along said existing easterly right of way line of Commercial Road, South 5° 33' 47" West a distance of 213.29 feet to an iron pin set at its intersection with said new northwesterly right of way line of East 9th Street;

Thence along the projection of said new northwesterly right of way line of East 9th Street, South 60° 43' 22" West a distance of 73.10 feet to the Place of Beginning and containing 0.3880 acres of land, more or less, all of which is located within present roadway occupied.

The bearings are based on the State Plane Coordinate System, Ohio North Zone, NAD83 (1995), as shown on the Centerline Plat prepared for CUY-90-14.90, CUY INNEREBELT BRIDGE, GRP1, recorded in Plat Book 367, Pages 67 through 71 of the Cuyahoga County Records.

Iron pins described as set shall be 3/4" x 30" rebar with a 2-1/2" aluminum cap stamped "BARR & PREVOST, S-7876" and shall be placed along with other referenced set monuments upon notification by the Ohio Department of Transportation, District 12.

This description was prepared and reviewed in December of 2012, by Steven L. Lamphear, Professional Surveyor No. 7876, Ohio, and is based on field surveys made under my direction and supervision beginning in July, 2011, through September, 2011. This description also uses ties to monument references as described in the CUY-90-14.90 Centerline Plat as recorded on October 3rd, 2011, in Plat Book 367, Pages 67 through 71 of the Cuyahoga County Records and the Lot Split and Consolidation Plat recorded in Plat Book 369, Pages 32 and 33, as prepared by Steven L. Lamphear, P.S. 7876, Ohio, Barr & Prevost, Columbus, Ohio

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

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

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

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

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

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

Passed November 11, 2013.

Effective November 12, 2013.

Ord. No. 1296-13.
By Council Members Cimperman, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to vacate a portion of Gould Court N.W.

Whereas, under Resolution No. 370-13, adopted April 29, 2013, this Council declared its intention to vacate a portion of Gould Court N.W.; and

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

Whereas, on September 10, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

A portion of Gould Court N.W. 16.5 (Feet Wide) (formerly known as the first unnamed alley running east and west, south of Bridge Avenue N.W. (formerly Bridge Street) and east of West 25th Street (formerly Pearl Street)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of original Brooklyn Township lot number 70 as shown in the Willeyville Allotment recorded in volume 2, page 16 of the Cuyahoga County Map Records' further described as follows:

All that portion of Gould Court N.W. (16.5 Feet Wide) extending from the east right of way of West 25th Street (82.50 Feet Wide) to the west right of way of West 24th place (16.5 Feet Wide).

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

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

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

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

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

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

Passed November 11, 2013.

Effective November 12, 2013.

**Ord. No. 1298-13.
By Council Members Cleveland,
Miller and Kelley (by departmental
request).**

**An emergency ordinance to vacate
a portion of Rose Court, S.E.**

Whereas, under Resolution No. 129-13, adopted March 25, 2013, this Council declared its intention to vacate a portion of Rose Court, S.E.; and

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

Whereas, on September 10, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of original Ten Acre Lot numbers 65 and 66 in the Horace P. Wedell's Subdivision as shown in Volume 2, Page 30 of the Cuyahoga County Map records.

And being all that portion of Rose Court S.E. (10.00 feet wide) extending from the East right of way of East 36th Street (60.00 feet wide) to the West right of way of East 37th Street (40.00 feet wide).

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

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

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

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

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

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

Passed November 11, 2013.
Effective November 12, 2013.

**Ord. No. 1340-13.
By Council Members Pruitt and
Kelley (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, maintain, repair, enhance or replace HVAC systems and components, including boilers, ventilation and AC systems, environmental controls, software, and components, including rentals and installation, if necessary, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period up to two years with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years with two one-year options to renew, of the necessary items of labor and materials necessary to test, inspect, maintain, repair, enhance or replace building protection systems, including, but not limited to heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, including installation if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. ((RQN 2002 RL 2013-34)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements

with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed November 11, 2013.
Effective November 12, 2013.

**Ord. No. 1354-13.
By Council Members Pruitt,
Mitchell and Kelley (by departmental
request).**

An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 535.041 relating to fixed water charges to Westlake to cover costs associated with separation from the Cleveland Water System.

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 535.041 to read as follows:

Section 535.041 Fixed Water Charges to Westlake to Cover Costs Associated with Separation from the Cleveland Water System

(a) Effective January 1, 2014 and in addition to the fixed and water consumption charges assessed under Section 535.04, all accounts for direct water service to the City of Westlake shall contain a fixed charge based on meter size to cover costs associated with the separation of Westlake from the Cleveland Water System as provided in this section.

(b) The fixed charge on a quarterly billing statement shall be as follows:

<u>Meter Size</u>	<u>Fixed Charge</u>
1" or smaller	\$ 291.00
2" and 1-1/2"	\$ 569.00
3" and 4"	\$1,942.00
6"	\$3,468.00
8"	\$5,272.00

(c) If billed monthly, the fixed charge on a monthly billing statement shall be as follows:

<u>Meter Size</u>	<u>Fixed Charge</u>
1" or smaller	\$ 97.00
2" and 1-1/2"	\$ 189.00
3" and 4"	\$ 647.00
6"	\$1,156.00
8"	\$1,757.00

(d) Fixed charges assessed under this section may be prorated during a billing cycle.

(e) The fixed charges under this section shall be assessed to direct service accounts in Westlake for a period of seventeen (17) quarters or fifty-one (51) months.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed November 11, 2013.
Effective December 11, 2013.

Ord. No. 1411-13.
By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

Section 2. The aggregate cost of the contracts authorized shall not exceed \$2,183,093, and shall be paid from Fund Nos. 14 SF 039 and 19 SF 671, RQS 8006, RL 2013-74.

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

Passed November 11, 2013.
 Effective November 12, 2013.

Ord. No. 1431-13.
By Council Members Conwell and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the 2011 Law Enforcement Terrorism Protection Program; and authorizing an agreement with Cuyahoga County to implement the grant; and to amend Contract No. 69633 with Cogent, Inc. to provide additional AFIS equipment.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$184,600.75, and any other funds that may become available during the grant term, from Cuyahoga County to conduct the 2011 Law Enforcement Terrorism Protection ("LETTP") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter and agreement for the grant contained in the file described below.

Section 2. That the award letter and agreement for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1431-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the Director of Public Safety is authorized to enter into an agreement with Cuyahoga County to implement the grant as described in the file.

Section 6. That the Director of Public Safety is authorized to enter into an amendment to Contract No. 69633 with Cogent, Inc. to extend the term of the contract to run coterminous with this grant term to provide additional AFIS equipment.

Section 7. That the cost of the contract or contracts, or contract amendment or amendments shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

Passed November 11, 2013.
 Effective November 12, 2013.

Ord. No. 1432-13.
By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance approving the Tax Incentive Review Council's Year 2012 recommendations.

Whereas, under Section 5709.85 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.85 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under Section 5709.85 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the TIRC's Year 2012 recommendations contained in File No. 1432-13-A are approved.

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 November 11, 2013.
 Effective November 12, 2013.

Ord. No. 1504-13.
By Council Members Cimperman, Brancatelli and Kelley (by departmental request).

An emergency ordinance to repeal Ordinance No. 871-13, passed July 10, 2013, and Ordinance No. 1242-13, passed October 7, 2013, relating to authorizing a Tax Increment Financing Agreement with Geis Companies, or its designee, to provide for the redevelopment of the Ameritrust complex.

Whereas, Ordinance No. 871-13, passed July 10, 2013, authorized a Tax Increment Financing Agreement with Geis Companies, or its designee, to provide for the redevelopment of the Ameritrust complex; and

Whereas, Ordinance No. 1242-13, passed October 7, 2013, amended Ordinance No. 871-13; and

Whereas, in order to repeal Ordinance No. 871-13 in its entirety, Ordinance No. 1242-13 also needs to be repealed; and

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

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

Section 1. That Ordinance No. 871-13, passed July 10, 2013, and Ordinance No. 1242-13, passed October 7, 2013, are repealed.

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

Passed November 11, 2013.
 Effective November 12, 2013.

Ord. No. 1505-13.
By Council Members Cimperman, Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Geis Companies, or its designee, or others, and a Cooperative Agreement by and among the City, the Geis Companies, or its designee, the Cleveland-Cuyahoga County Port Authority (the "Authority") for Bonds to be issued by the Authori-

ty (the "Bonds"), and The Huntington National Bank, or Trustee, to provide for redevelopment of the Ameritrust complex located at 900-916 Euclid Avenue, 1010 Euclid Avenue, 2017 East 9th Street, and 2123 East 9th Street; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 789-13, passed May 20, 2013, and prior to the passage of this ordinance, the City approved and completed both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

Whereas, the subject Real Property is found, declared, and deemed to be a "Blighted Parcel" as defined in, and under Section 1.08(B)(2) of the Revised Code on the basis of specific conditions set forth in items (a)(b)(d)(g) and (h) thereof, particularly being a multi-story property vacant for more than five (5) years and, as a consequence thereof, said Real Property is found, declared, and deemed to be a "Blighted Area", as defined in and under Section 1.08(A) of the Revised Code and as demonstrated and documented by a certain study of the Nine Twelve District which has been placed in the file for this ordinance, and attached and incorporated with the Redevelopment Plan for the Nine Twelve District; and

Whereas, the Real Property will be improved according to the Blight Study, Redevelopment Plan, Legislative Summary, Estimated Project Budget as applicable, copies of all of which have been placed in File No. 1505-13-A; and

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been

exempt, and the Cooperative Agreement will require such owners to also make supplemental payments ("Minimum Payments") required to pay debt service on the Bonds; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

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

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

Section 1. That the improvements to be constructed by Geis Companies, or its designee ("Redeveloper"), as more fully described in the above-mentioned file ("Improvements") on the Real Property, which Real Property is declared to be a Blighted Area as required by Section 5709.41(B) of the Revised Code, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 30 years; and that in no event shall the exemption period extend beyond 2043.

Section 3. That Redeveloper (or the owners of the Improvements) shall make service payments for a period of 30 years in lieu of the exempt taxes to the Cuyahoga County Treasurer, under Section 5709.41 of the Revised Code, and Minimum Payments to the Disbursing Agent (as defined in the Cooperative Agreement); the service payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation, and the Minimum Payments shall be paid directly by the Redeveloper (or the owners of the Improvements) to the Disbursing Agent as set forth in the Cooperative Agreement.

Section 4. That a portion of the service payments collected under Section

3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation, with the balance of such service payments being deposited in the fund established pursuant to Section 6 of this ordinance.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper and other parties to provide for the exemption, service payments and Minimum Payments described in this ordinance, and for the issuance of the Bonds, including, without limitation, the Cooperative Agreement and other agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained in the file mentioned above. The Director of Economic Development is further authorized to enter into an agreement with the Cuyahoga County Treasurer relating to the sale of tax liens on the Real Property.

Section 6. That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund (the "TIF Fund") into which shall be deposited service payments in lieu of taxes not required to be paid to the District under Section 4 of this ordinance. The service payments in lieu of taxes deposited in the TIF Fund shall be used for the purpose of paying principal, interest, and related fees and costs of the Bonds or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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

Passed November 11, 2013.
Effective November 12, 2013.

Ord. No. 1506-13.

By Council Member Kelley (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the International Association of Machinists and Aerospace Workers, District Council 54, Local 439; and amending Section 17 of Ordinance No. 1689-11, passed November 28, 2011, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the International Association of Machinists and Aerospace Workers, District Council 54, Local 439, under the terms contained in File No. 1506-13-A, for the period from April 1, 2013 through March 31, 2016, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
1%	April 1, 2013
2%	April 1, 2014
2%	April 1, 2015

* Wage increases shall be effective as follows:

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

Section 2. That Section 17 of Ordinance No. 1689-11, passed November 28, 2011, is amended to read as follows:

Section 17. International Association of Machinists and Aerospace Workers, District Council 54, Local 439. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Machinist.....	\$15.83	\$23.52
2. Machinist Helper.....	\$13.72	\$19.72

Section 3. That existing Section 17 of Ordinance No. 1689-11, passed November 28, 2011, is repealed.

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

Passed November 11, 2013.
Effective November 12, 2013.

**Ord. No. 1507-13.
By Council Members Brady, Sweeney, Keane, Miller and Kelley (by departmental request).**

An emergency ordinance giving final consent of the City of Cleveland to the State of Ohio for the rehabilitation of Triskett Avenue from Lorain Avenue to West 117th Street and the rehabilitation of Warren Road from Munn Road to Lorain Avenue; authorizing the Director of Capital Projects to enter into contracts with the State of Ohio; and causing payment to the State of Ohio for the City's share of the improvement.

Whereas, under Ordinance No. 1703-12, passed December 3, 2012 this Council authorized the City of Cleveland to cooperate with the Director of Transportation for the rehabilitation of Triskett Avenue from Lorain Avenue to West 117th Street and the rehabilitation of Warren Road from Munn Road to Lorain Avenue (the "Improvement"); and

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

Whereas, the share of the City's cost of the Improvement is now estimated to be \$1,233,966, but may be adjusted when the percentages of actual costs are determined; and

Whereas, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement; and

Whereas, the Ohio Director of Transportation has approved the

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

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

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

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

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

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

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

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

performed in accordance with the provisions of the ODOT Construction and materials Specifications.

(c) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(d) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City or the State

(e) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

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

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

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

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes.

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

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

Section 5. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

Section 6. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 7. That this Council is authorized to cause payment to the State of the City's share of the Improvement, payable from Fund Nos. 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 52 SF 001, and 54 SF 001, RQS 0103, RL 2013-161.

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

Passed November 11, 2013.
Effective November 11, 2013.

Ord. No. 1531-13.

By Council Member Cummins.

An emergency ordinance amending Section 2 of Ordinance No. 962-13 passed July 10, 2013 as it pertains to the Julia De Burgos Cultural Arts Center for the Puerto Rican and Latino Community Expo through the use of Ward 14 Neighborhood Capital Funds.

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

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

Section 1. That Section 2 of Ordinance No. 962-13 passed July 10, 2013 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$16,000 and shall be paid from Fund No. 10 SF 177.

Section 2. That Section 2 of Ordinance No. 962-13 passed July 10, 2013 is hereby repealed.

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

Passed November 11, 2013.
Effective November 12, 2013.

Ord. No. 1532-13.

By Council Member Conwell.

An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with Famicos Foundation for the Hot Sauce Williams Development Project through the use of Ward 9 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Economic Development be authorized to enter into an agreement with Famicos Foundation for the Hot Sauce Williams Development Project for the public purpose of creating new jobs in the city of Cleveland through the use of Ward 9 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed November 11, 2013.
Effective November 12, 2013.

Ord. No. 1533-13.

By Council Members Cleveland and Brancatelli.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with University Settlement, Inc. for the Hunger Center Program through the use of Wards 5 and 12 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with University Settlement, Inc. for the Hunger Center Program for the public purpose of providing food and hot meals to low income residents residing in the city of Cleveland through the use of Ward(s) 5 and 12 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$42,500 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed November 11, 2013.
Effective November 12, 2013.

COUNCIL COMMITTEE MEETINGS

**Monday, November 18, 2013
9:30 a.m.**

Health and Human Services Committee: Present: Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Polensek.

2:00 p.m.

Legislation Committee & Finance Committee: Present in Legislation: Brancatelli, Cimperman, Cleveland, Sweeney. *Authorized Absence:* Mitchell, Chair; K. Johnson, Vice Chair. Present in Finance: Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Mitchell.

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

5:30 p.m.

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

**Tuesday, November 19, 2013
9:30 a.m.**

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

1:30 p.m.

Employment, Affirmative Action and Training Committee: Present: Zone, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Mitchell, Westbrook.

**Wednesday, November 20, 2013
9:00 a.m.**

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

11:00 a.m.

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

1:00 p.m.

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

1:30 p.m.

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

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O—Ordinance; R—Resolution; F—File

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