

# The City Record

Official Publication of the Council of the City of Cleveland



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June the Fourth, Two Thousand and Fourteen

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**Frank G. Jackson**  
Mayor

**Kevin J. Kelley**  
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 Michael D. Polensek
- 9 Kevin Conwell
- 10 Jeffrey D. Johnson
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Martin J. Sweeney
- 17 Martin J. Keane

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

| Ward | Name                 | Residence                    |       |
|------|----------------------|------------------------------|-------|
| 1    | Terrell H. Pruitt    | 16920 Throckley Avenue       | 44128 |
| 2    | Zack 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    | Michael D. Polensek  | 17855 Brian Avenue           | 44119 |
| 9    | Kevin Conwell        | 10647 Ashbury Avenue         | 44106 |
| 10   | Jeffrey D. Johnson   | 9024 Parkgate Avenue         | 44108 |
| 11   | Dona Brady           | 1272 West Boulevard          | 44102 |
| 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   | Martin J. Sweeney    | 3632 West 133rd Street       | 44111 |
| 17   | 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

Martin J. Flask, Executive Assistant to the Mayor of Special Projects

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Maureen Harper, Executive Assistant to the Mayor, Chief of Communications

Janita 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 – Matthew L. Spronz, Director

#### DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

### DEPT. OF LAW – Barbara A. Langhenry, Director, Gary D. Singletary, 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;

Natasha Brandt, 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

Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer

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 – Antonette Thompson, Interim Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Samuel Gissentaner, Interim Commissioner

Streets – Randell T. Scott, Interim Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

### DEPT. OF PUBLIC HEALTH – George Baker, Interim Director, 75 Erieview Plaza

#### DIVISIONS:

Air Quality – George Baker, Commissioner

Environment – Pamela Cross, Commissioner, 75 Erieview Plaza

Health – \_\_\_\_\_, Commissioner, 75 Erieview Plaza

### DEPT. OF PUBLIC SAFETY – Michael C. McGrath, Director, Room 230

#### DIVISIONS:

Animal Control Services – John Baird, Chief Dog Warden, 2690 West 7th Street

Corrections – Robert Taskay, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive

Fire – Patrick Kelly, Chief, 1645 Superior Avenue

Police – Calvin D. Williams, 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, Eugene R. Miller, (Board Lawyer), Roosevelt E. Coats, Jenice

Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary

Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa

Ryan, Peter Whitt.

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

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

Michael Flickinger.

### SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Kevin

J. Kelley; 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, Elizabeth

Kukla, 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 Kevin J. Kelley.

### BOARD OF SIDEWALK APPEALS – Capital Projects Director Matthew Spronz, Law

Director Barbara A. Langhenry; Council Member \_\_\_\_\_.

### BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry;

Utilities Director Paul Bender; Council President Kevin J. Kelley.

### 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 Kevin J. Kelley; Councilman

Kevin Kelley.

### POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel

Whalen, Nancy Cronin, Elvin Vauss.

### CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair;

Laura M. Bala, Robert N. Brown, Allan Dreyer, Giancarlo Calicchia, Council Member

Terrell H. Pruitt, Robert Vilkas, Donald Petit, Interim Secretary.

### AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane

Downing, Donna Sciarappa, Council President Kevin J. Kelley; Law Director Barbara A.

Langhenry.

## CLEVELAND MUNICIPAL COURT

### JUSTICE CENTER – 1200 ONTARIO STREET

#### JUDGE COURTROOM ASSIGNMENTS

#### Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Pinkey S. Carr – Courtroom 12B

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Ed Wade – Courtroom 12A

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 101

WEDNESDAY, JUNE 4, 2014

No. 5243

## CITY COUNCIL

MONDAY, JUNE 2, 2014

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

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2014-2017

#### MONDAY — Alternating

9:30 A.M. — **Health and Human Services Committee:** Cimperman (CHAIR), Mitchell (VICE-CHAIR), Brady, Cleveland, Conwell, Cummins, J. Johnson.

9:30 A.M. — **Municipal Services and Property Committee:** K. Johnson (CHAIR), Sweeney (VICE-CHAIR), Brancatelli, Cummins, Dow, J. Johnson, Reed.

#### MONDAY

2:00 P.M. — **Finance Committee:** Kelley (CHAIR), Cleveland (VICE-CHAIR), Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

#### TUESDAY

9:30 A.M. — **Development, Planning and Sustainability Committee:** Brancatelli (CHAIR), Cleveland (VICE-CHAIR), Cimperman, Cummins, Dow, Pruitt, Zone.

#### TUESDAY — Alternating

1:30 P.M. — **Utilities Committee:** Pruitt (CHAIR), Brady (VICE-CHAIR), Brancatelli, Cummins, Keane, Mitchell, Polensek.

1:30 P.M. — **Workforce and Community Benefits Committee:** Cleveland (CHAIR), Zone (VICE-CHAIR), J. Johnson, Polensek, Pruitt, Reed, Sweeney.

#### WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:** Zone (CHAIR), Conwell (VICE-CHAIR), Cimperman, Dow, K. Johnson, Keane, Polensek.

10:00 A.M. — **Transportation Committee:** Keane (CHAIR), Dow (VICE-CHAIR), Conwell, J. Johnson, K. Johnson, Reed, Sweeney.

### The following Committees meet at the Call of the Chair:

**Mayor's Appointments Committee:** Sweeney (CHAIR), Brady, Cleveland, Dow, Kelley.

**Operations Committee:** Pruitt (CHAIR), Kelley, Keane, Mitchell, Zone.

**Rules Committee:** Kelley (CHAIR), Cleveland, Cummins, Keane, Pruitt.

Issue 11 at the election on May 6, 2014. Received.

### STATEMENT OF WORK ACCEPTANCE

#### File No. 710-14.

From Department of Public Works, City of Cleveland, for East Side Maintenance Facility Phase I. Contractor: R J Platten Contracting Company. Contract: #PI201300031. Date of Acceptance: January 2, 2014. Received.

#### File No. 711-14.

From Department of Public Works, City of Cleveland, for Groton Park Site Improvements. Contractor: Nerone & Sons, Inc. Contract: #PI201300059. Date of Acceptance: October 10, 2013. Received.

#### File No. 712-14.

From Department of Public Works, City of Cleveland, for Swimming Pool Improvements at Various Recreation Centers. Contractor: R W Clark Co. Contract: #PI201400010. Date of Acceptance: May 27, 2014. Received.

#### File No. 713-14.

From Department of Public Works, City of Cleveland, for Treadway Creek Trail Improvements. Contractor: F. Buddie Contracting LTD. Contract: #PI20140004. Date of Acceptance: May 16, 2014. Received.

#### File No. 714-14.

From Department of Public Works, City of Cleveland, for Grove-wood Pool Demo. Contractor: B & B Wrecking. Contract: #PI20140001. Date of Acceptance: May 20, 2014. Received.

### FROM OHIO DIVISION OF LIQUOR CONTROL

#### File No. 715-14.

RE: #6968876. Transfer of Location Application, D2 D2X D3 D6. Plum Café, LLC, 4133 Lorain Ave. (Ward 3). Received.

#### File No. 716-14.

RE: #4403828. Transfer of Ownership Application, D5 D6. JSES, LLC, 1903 Ford Dr. (Ward 9). Received.

#### File No. 717-14.

RE: #7460881. Transfer of Ownership Application, C1 C2 D6. Rocky River 4142, LLC, 4142 Rocky River Dr. (Ward 17). Received.

#### File No. 788-14.

RE: #44836140005. New License Application, D4. Karamu House, Inc., 2355 East 89th St. (Ward 6). Received.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, June 2, 2014

The meeting of the Council was called to order at 7:05 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

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

Also present were: Chief of Staff Ken Silliman, Chief Operating Officer Darnell Brown, Chief of Education Monyka S. Price, Chief of Communications Maureen Harper, Chief of Sustainability Jenita McGowan, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Smith, Spronz, McGrath, Cox, Rush, Rybka, Southerington, Nichols, Griffin, Fumich, and Interim Director Baker.

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

### MOTION

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

### OATH OF OFFICE

**File No. 709-14.**  
Donald Phillips, Secretary to the Director of the Department of Finance, City of Cleveland. Received.

### COMMUNICATIONS

**File No. 718-14.**  
From Cuyahoga County Board of Elections. Certificate of Result of Election on Question or Issue for

**CONDOLENCE RESOLUTIONS**

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

- Res. No. 774-14**—Carol Jean Lade.  
**Res. No. 775-14**—Franklin “Frank” Page.  
**Res. No. 776-14**—William Kelly Jackson, Jr.  
**Res. No. 777-14**—Cleford “Zeke” Forbes of Council.  
**Res. No. 792-14**—Evelyn J. (Jaynes) Haney.  
**Res. No. 793-14**—Joseph T. Griffin.

**CONGRATULATIONS RESOLUTIONS**

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

- Res. No. 778-14**—Rev. Joshua A. Harris, M. Div.  
**Res. No. 779-14**—Birchwood School — & Sweeney 30th Anniversary.  
**Res. No. 780-14**—Freedom Christian Assembly, International Faith Ministries.  
**Res. No. 781-14**—Katie Smith — 90th Birthday.

**RECOGNITION RESOLUTIONS**

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

- Res. No. 782-14**—Timothy Pecek Baseball Diamond #2 at Thrush Park.  
**Res. No. 783-14**—National Alliance of Postal & Federal Employees, District Six.  
**Res. No. 784-14**—David Doll and Richard W. Pogue.  
**Res. No. 785-14**—US Together, Inc. — 2nd Annual Community Refugee Festival.  
**Res. No. 786-14**—Cozad-Bates House.

**WELCOME RESOLUTION**

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

- Res. No. 787-14**—Han Zesheng, Vice Chair, Chinese People’s Political Consultative Conference (Zhongshan, China).

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 719-14**,  
**By Council Members K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to execute a deed of easement granting to the East Ohio Gas Company dba Dominion East Ohio certain easement rights in property located along East Boulevard needed for its Mainline Replacement Project, and declaring that the easement rights granted are not needed for the City’s use.**

Whereas, East Ohio Gas Company dba Dominion East Ohio (“Dominion”) has requested the Director of Capital Projects to convey certain easement rights in property located along East Boulevard; and

Whereas, Dominion requires an easement to implement its Mainline Replacement Project; and

Whereas, the easement rights to be granted are not needed for the City’s use; and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for the City’s use:

**Legal Description**  
**20’ Dominion Gas Easement**  
**PIR-#1059**  
**L#6462**  
**May 5, 2014**  
**File No. 13501-034-LD001**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original One Hundred Acre Lot No. 393 and is further bounded and described as follows:

Beginning at a stone monument found at the intersection of the center line of East 105th Street (60 feet wide) with the center line of Wade Park Avenue N.E. (70 feet wide). Thence South 89°-03’-57” West, along said center line of Wade Park Avenue N.E, a distance of 452.38 feet. Thence South 00°-56’-03” East, a distance of 35.00 feet to a point on the Southerly right of way line of Wade Park Avenue N.E. and the principal place of beginning of the land herein described;

**Course 1**

Thence South 00°-56’-03” East a distance of 111.62 feet;

**Course 2**

Thence South 23°-46’-03” East a distance of 35.66 feet;

**Course 3**

Thence South 16°-39’-16” West a distance of 22.19 feet;

**Course 4**

Thence by the arc of a curve deflecting to the left, having a length of 90.25 feet, a radius of 826.51 feet, a central angle of 06°-15’-23” and a tangent distance of 45.17 feet;

**Course 4**

Thence along an arc of a new curve deflecting to the left, having an length of 101.51 feet, a radius of 1779.14 feet, a central angle of 03°-16’-09” and a tangent distance of 50.77 feet;

**Course 4**

Thence along an arc of a new curve deflecting to the left, having an length of 97.16 feet, a radius of 891.71 feet, a central angle 06°-14’-35” and a tangent distance of 48.63 feet;

**Course 5**

Thence along an arc of a new curve deflecting to the left, having an length of 85.83 feet, a radius of 891.71 feet, a central angle 05°-30’-54” and a tangent distance of 42.95 feet;

**Course 6**

Thence along an arc of a new curve deflecting to the left, having an length of 59.36 feet, a radius of 485.62 feet, a central angle 07°-00’-13” and a tangent distance of 29.72 feet;

**Course 7**

Thence North 76°-05’-26” East a distance of 12.69 feet;

**Course 8**

Thence by the arc of a curve deflecting to the left, having a length of 192.60 feet, a radius of 530.00 feet, a central angle of 20°-49’-16” and a tangent distance of 97.37 feet;

**Course 9**

Thence along an arc of a new curve deflecting to the left, having an length of 227.09 feet, a radius of 271.00 feet, a central angle 48°-00’-42” and a tangent distance of 120.69 feet;

**Course 10**

Thence South 06°-34’-26” West a distance of 18.12 feet;

**Course 11**

Thence South 60°-35’-34” East a distance of 92.75 feet;

**Course 12**

Thence South 30°-07’-56” West a distance of 34.40 feet;

**Course 13**

Thence North 59°-52’-04” West a distance of 20.00 feet;

**Course 14**

Thence North 30°-07’-56” East a distance of 14.15 feet;

**Course 15**

Thence North 60°-35’-34” West a distance of 71.18 feet;

**Course 16**

Thence North 83°-25’-34” West a distance of 13.45 feet;

**Course 17**

Thence North 06°-34’-26” East a distance of 17.24 feet;

**Course 18**

Thence by the arc of a curve deflecting to the right, having a length of 265.05 feet, a radius of 291.00 feet, a central angle of 52°-11’-08” and a tangent distance of 142.51 feet;

**Course 19**

Thence along an arc of a new curve deflecting to the right, having an length of 138.92 feet, a radius of 550.00 feet, a central angle 14°-28’-20” and a tangent distance of 69.83 feet;

**Course 20**

Thence South 76°-05’-26” West a distance of 13.50 feet;

**Course 21**

Thence by the arc of a curve deflecting to the right, having a length of 82.60 feet, a radius of 505.62 feet, a central angle of 09°-21’-38” and a tangent distance of 41.39 feet;

**Course 22**

Thence along an arc of a new curve deflecting to the right, having an length of 87.76 feet, a radius of 911.71 feet, a central angle 5°-30’-54” and a tangent distance of 43.91 feet;

**Course 23**

Thence along an arc of a new curve deflecting to the right, having an length of 99.34 feet, a radius of 911.71 feet, a central angle 06°-14’-35” and a tangent distance of 49.72 feet;

**Course 24**

Thence along an arc of a new curve deflecting to the right, having an

length of 102.65 feet, a radius of 1799.14 feet, a central angle  $03^{\circ}16'09''$  and a tangent distance of 51.34 feet;

**Course 25**

Thence along an arc of a new curve deflecting to the right, having an length of 92.43 feet, a radius of 846.51 feet, a central angle  $06^{\circ}15'23''$  and a tangent distance of 46.26 feet;

**Course 26**

Thence North  $16^{\circ}39'16''$  East a distance of 14.83 feet;

**Course 27**

Thence North  $23^{\circ}46'03''$  West a distance of 32.34 feet;

**Course 28**

Thence North  $00^{\circ}56'03''$  West a distance of 115.66 feet to a point on the Southerly right of way line of Wade Park Avenue N.E.;

**Course 29**

Thence North  $89^{\circ}03'57''$  East, along said Southerly right of way line of Wade Park Avenue N.E., a distance of 20.00 feet to the principal place of beginning and containing 0.5377 Acres (23,414 Square Feet) of land according to a survey made by Thomas J. Neff, Jr. Registered Surveyor No. 7065-Ohio in October 18, 2012.

The basis of bearings for the premises surveyed is NAD83 (CORS96) Ohio State Plane Coordinate System, North Zone (3401).

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

**Legal Description**  
**20' Dominion Gas Easement**  
**PIR-#1059**  
**L#13914**  
**May 5, 2014**  
**File No. 13501-034-LD002**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original One Hundred Acre Lot No. 394 & 395 and is further bounded and described as follows:

Beginning at a stone monument found at the intersection of the center line of East 108th Street (60 feet wide) with the Northeastery line of East Boulevard (no right of way). Thence North  $71^{\circ}41'35''$  East a distance of 32.12 feet to a point of intersection of the Northeastery right of way for East Boulevard and Easterly right of way for East 108th Street and the principal place of beginning of the land herein described;

**Course 1**

Thence North  $72^{\circ}21'22''$  East, along the Northeastery right of way line for East Boulevard, a distance of 14.41 feet;

**Course 2**

Thence North  $76^{\circ}20'54''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 50.02 feet;

**Course 3**

Thence North  $78^{\circ}38'23''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 50.00 feet;

**Course 4**

Thence North  $83^{\circ}53'07''$  East, continuing along the Northeastery right

of way line for East Boulevard, a distance of 50.43 feet;

**Course 4**

Thence South  $85^{\circ}33'56''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 46.67 feet;

**Course 4**

Thence South  $85^{\circ}12'04''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 54.43 feet;

**Course 5**

Thence South  $76^{\circ}17'34''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 51.61 feet;

**Course 6**

Thence South  $70^{\circ}07'39''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 50.52 feet;

**Course 7**

Thence South  $66^{\circ}30'26''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 50.16 feet;

**Course 8**

Thence South  $63^{\circ}04'45''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 50.01 feet;

**Course 9**

Thence South  $59^{\circ}04'15''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 50.06 feet;

**Course 10**

Thence South  $48^{\circ}58'50''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 51.31 feet;

**Course 11**

Thence South  $46^{\circ}17'28''$  East, continuing along the Northeastery right of way line for East Boulevard, a distance of 24.60 feet to its intersection with the Northerly right of way line for Hazel Drive (70 feet wide);

**Course 12**

Thence South  $42^{\circ}45'15''$  East a distance of 72.67 feet to the intersection of the Southerly right of way line for Hazel Drive and the Northeastery right of way line for East Boulevard;

**Course 13**

Thence South  $40^{\circ}37'39''$  East, along the Northeastery right of way line for East Boulevard, a distance of 8.24 feet;

**Course 14**

Thence South  $39^{\circ}48'06''$  East, along the Northeastery right of way line for East Boulevard, a distance of 53.24 feet;

**Course 15**

Thence South  $37^{\circ}01'59''$  East, along the Northeastery right of way line for East Boulevard, a distance of 45.74 feet;

**Course 16**

Thence South  $30^{\circ}39'39''$  East, along the Northeastery right of way line for East Boulevard, a distance of 52.17 feet;

**Course 17**

Thence South  $25^{\circ}49'00''$  East, along the Northeastery right of way line for East Boulevard, a distance of 51.07 feet;

**Course 18**

Thence South  $21^{\circ}55'26''$  East, along the Northeastery right of way line for East Boulevard, a distance of 50.47 feet;

**Course 19**

Thence South  $18^{\circ}52'06''$  East, along the Northeastery right of way line for East Boulevard, a distance of 50.18 feet;

**Course 20**

Thence South  $16^{\circ}07'42''$  East, along the Northeastery right of way line for East Boulevard, a distance of 50.03 feet;

**Course 21**

Thence South  $11^{\circ}12'15''$  East, along the Northeastery right of way line for East Boulevard, a distance of 70.37 feet;

**Course 22**

Thence South  $02^{\circ}57'33''$  East a distance of 37.98 feet;

**Course 23**

Thence South  $47^{\circ}57'33''$  East a distance of 134.48 feet;

**Course 24**

Thence along an arc of a curve deflecting to the right, having an length of 20.69 feet, a radius of 1668.63 feet, a central angle  $00^{\circ}42'37''$  and a tangent distance of 10.34 feet;

**Course 25**

Thence North  $47^{\circ}57'33''$  West a distance of 137.47 feet;

**Course 26**

Thence North  $02^{\circ}57'33''$  West a distance of 44.82 feet;

**Course 27**

Thence North  $11^{\circ}12'15''$  West a distance of 68.07 feet;

**Course 28**

Thence North  $16^{\circ}07'42''$  West a distance of 48.69 feet;

**Course 29**

Thence North  $18^{\circ}52'06''$  West a distance of 49.16 feet;

**Course 30**

Thence North  $21^{\circ}55'26''$  West a distance of 49.26 feet;

**Course 31**

Thence North  $25^{\circ}49'00''$  West a distance of 49.54 feet;

**Course 32**

Thence North  $30^{\circ}39'39''$  West a distance of 50.21 feet;

**Course 33**

Thence North  $37^{\circ}01'59''$  West a distance of 44.15 feet;

**Course 34**

Thence North  $39^{\circ}48'06''$  West a distance of 52.62 feet;

**Course 35**

Thence North  $40^{\circ}37'39''$  West a distance of 7.72 feet;

**Course 36**

Thence North  $42^{\circ}45'15''$  West a distance of 71.69 feet;

## Course 37

Thence North 46°-17'-28" West a distance of 23.51 feet;

## Course 38

Thence North 48°-58'-50" West a distance of 49.07 feet;

## Course 39

Thence North 59°-04'-15" West a distance of 47.60 feet;

## Course 40

Thence North 63°-04'-45" West a distance of 48.71 feet;

## Course 41

Thence North 66°-30'-26" West a distance of 48.93 feet;

## Course 42

Thence North 70°-07'-39" West a distance of 48.81 feet;

## Course 43

Thence North 76°-17'-34" West a distance of 48.98 feet;

## Course 44

Thence North 85°-12'-04" West a distance of 52.80 feet;

## Course 45

Thence North 85°-33'-56" West a distance of 44.76 feet;

## Course 46

Thence South 83°-53'-07" West a distance of 47.67 feet;

## Course 47

Thence South 78°-38'-23" West a distance of 48.69 feet;

## Course 48

Thence South 76°-20'-54" West a distance of 48.93 feet;

## Course 49

Thence South 72°-21'-22" West a distance of 21.02 feet;

## Course 50

Thence North 02°-25'-01 East a distance of 21.29 feet to the principal place of beginning and containing 0.5794 Acres (25,238 Square Feet) of land according to a survey made by Thomas J. Neff, Jr. Registered Surveyor No. 7065-Ohio in October 18, 2012.

The basis of bearings for the premises surveyed is NAD83 (CORS96) Ohio State Plane Coordinate System, North Zone (3401).

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

**Section 2.** That the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to Dominion subject to any conditions stated in this ordinance, at a price determined to be fair market value by the Board of Control.

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be to implement Dominion's Mainline Replacement Project.

**Section 4.** That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Capital Projects; that the easement shall require that Dominion provide reasonable insurance, maintain any Dominion improvements located within the easement; pay any applicable taxes and assessments; and shall contain such other terms and conditions

that the Director of Law determines to be necessary to protect and benefit the City.

**Section 5.** That the conveyance referred above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Capital Projects on behalf of the City of Cleveland. The Directors of Capital Projects and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

**Section 6.** 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 Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 720-14.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property to the Northeast Ohio Regional Sewer District; and authorizing the Director of Public Works to execute deeds of easement and temporary deeds of easement granting to Northeast Ohio Regional Sewer District certain easement rights in property bounded by Kinsman Road, East 79th Street, Greater Cleveland Regional Transit Authority railroad, and the Norfolk Southern railroad for the Sewer District's Green Ambassador - Urban Agriculture Green Infrastructure Project; and declaring the easement and property rights no longer needed for the City's use.**

Whereas, the Director of Public Works has requested the sale of the City-owned property, Permanent Parcel No. 126-32-020A located along Kinsman Avenue, to the Northeast Ohio Regional Sewer District ("NEORS") necessary for NEORS's Green Ambassador - Urban Agriculture Green Infrastructure Project ("Urban Agriculture Project"); and

Whereas, NEORS has requested the Director of Public Works to convey certain temporary easement rights in property located within the Urban Agriculture Project which is Kinsman Road to the south, East 79th Street to the west, the Greater Cleveland Regional Transit Authority (RTA) railroad to the north, and the Norfolk Southern railroad to the east, to NEORS ("Project Boundary"); and

Whereas, NEORS requires temporary easements needed for ingress, egress, and construction purposes; and

Whereas, both the City-owned property and the temporary and permanent easements located within the Project Boundary are not needed for the City's use; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined the City-owned property, Permanent Parcel No. 126-32-020A, located along Kinsman Avenue, is no longer needed for the City's use and described as follows:

## Permanent Parcel No. 126-32-020A

All That Property, situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being at the intersection of US Route 422 (a.k.a. Kinsman Road) and East 82nd Street, and being identified as follows:

Sublots 45, 46, 47, and 48 in William Corlett, et al. subdivision of Sublot Nos. 205 to 215 inclusive, 224 to 227 inclusive and part of Sublots 216, 217, 222 and 223 in Gill, et al. allotment of part of Original 100 Acre Lot No. 431, as shown by the recorded plat of said subdivision in Volume 34 of Maps, Page 28 of the Cuyahoga County Records. This property conveyed from Amanda L. Corlett et vir., to The Granite Improvement Company (predecessor of said Grantor) by deed dated July 21, 1915, said deed recorded on August 20, 1915 in the Recorder's Office of said Cuyahoga County in Records Volume 1171, Page 116.

Sublots 42, 43, and 44 in William Corlett, et al. subdivision of Sublot Nos. 205 to 215 inclusive 224 to 227 inclusive and part of Sublots 216, 217, 222 and 223 in Gill, et al. allotment of part of Original 100 Acre Lot No. 431, as shown by recorded plat of said subdivision in Volume 34 of Maps, Page 28 of Cuyahoga County Records. This property conveyed from Ann Jeanette Corlett to The Granite Improvement Company (predecessor of said Grantor) by deed dated July 21, 1915, said deed recorded on August 20, 1915 in the Recorder's Office of said Cuyahoga County in Records Volume 1711, Page 118.

*Excepting the portion of land conveyed to ODOT as right of way and described in Penn Central deed to State of Ohio as:*

ALL THAT PARCEL of land situate in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of Original Lot # 431, now in the City of Cleveland and further being

Sublot Nos. 42 through 48 of the William Corlett, et al, Subdivision as shown by the recorded plat of Volume #34, Page #28 of Maps, of Cuyahoga County Records, bounded and described as follows:

BEGINNING in the Grantor's Westerly property line and the Easterly right-of-way line of East 82nd Street (50 feet wide) at a point 58.28 feet left of Station 13 + 66.37 in the centerline of survey of U.S. Route # 422, Section 3.74, also known as Kinsman Road; thence South 59 degrees 06 minutes 00 seconds East, a distance of 259.30 feet to the Grantors' Easterly property line at a point 76.20 feet left of Station 16 + 25.04; thence South 00 degrees 17 minutes 07 seconds East, along said Easterly property line, 35.12 feet to the existing Northerly right-of-way line of Kinsman Road at a point 47.49 feet left of Station 16 + 45.26; thence North 56 degrees 41 minutes 12 seconds West, along said existing Northerly right-of-way line 266.34 feet, more or less, to the existing right-of-way line of East 82nd Street at a point 40.29 feet left of Station 13 + 79.02 ; thence North 00 degrees 15

minutes 36 seconds West, along said Easterly right-of-way line, 22.00 feet to the place of beginning.

CONTAINING 6,336 square feet of land, more or less, none of which is occupied by the present road, be the same more or less.

**Section 2.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that easement interests in the following described properties are not needed for the City's use:

**Green Ambassador –  
Urban Agriculture  
Permanent Easements  
PPN 126-31-001  
PPN 126-31-060  
PPN 126-31-061**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sub Lot No. 37 and parts of Sub Lots Nos. 36 and 39 in Walkey and Betts' Subdivision of part of Original One Hundred Acre Lot No. 423, as shown by the recorded plat in Volume 11 of Maps, Page 21 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 82nd Street (formerly Corlett Avenue) at its intersection with the Southerly line of Fort Avenue S.E., as dedicated by plat recorded in Volume 63 of Maps, Page 19 of Cuyahoga County Records; thence Easterly along the Southerly line of Fort Avenue S.E., about 256 feet to the Westerly line of East 83rd Street (formerly Garretson Avenue); thence Southerly along the Westerly line of East 83rd Street, about 65.67 feet to the Southeasterly corner of said Sub Lot No. 37; thence Westerly along the Southerly line of Sub Lot No. 37; 127 feet to the Southwestesterly corner thereof; thence Northerly along the Westerly line of Sub Lot No. 37, 31 feet 11 inches to the Northwestesterly corner thereof being also the Southeasterly corner of said Sub Lot No. 39; thence Westerly along the Southerly line of Sub Lot No. 39, 127 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-002**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sub Lot No. 38 in Walkey and Bett's Subdivision of part of Original One Hundred Acre Lot No. 423, as shown by the recorded plat in Volume 11 of Maps, Page 21 of Cuyahoga County Records, and being 33 feet 2 inches front on the Easterly side of East 82nd Street (formerly Corlett Avenue) and extending back 127 feet deep on the Northerly line, 127 feet deep on the Southerly line, and having a rear line of 31 feet 11 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-003**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of the Sub Lot No. 168 in Gill, Brainard, Hower and Higbee's Subdivision of part of Original One Hundred Acre Lots Nos. 423, 424, 431 and 432, as shown by the recorded plat in Volume 5 of Maps, Page 37 of Cuyahoga County Records, and being 38 feet 10 inches front on the Easterly

side of East 82nd Street (formerly Chadwick Street) and extending back 152 feet on the Northerly line, 154 feet on the Southerly line, and having a rear line of about 38 feet 10 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-004**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sub Lot No. 1 in the J. E. Latimer Re-Subdivision of part of Gill, Brainard, Hower and Higbee's Subdivision of part of Original One Hundred Acre Lots Nos. 423, 424, 431 and 432, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and being 34.83 feet front on the Easterly side of East 82nd St. (formerly Chadwick St.) and extending back of equal width 126 feet deep, and having a rear line of 34.83 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-053  
PPN 126-31-054**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sub Lots Nos. 13 and 14 in J. E. Latimer's ReSubdivision of Sub Lots Nos. 135 to 142 inclusive, and Sub Lots Nos. 169 to 175 inclusive, in Gill, Brainard, Hower & Higbee's Subdivision of a part of Original One Hundred Acre Lots Nos. 423 to 431, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 64 feet on the Westerly side of East 83rd Street, and extending back of equal width 127.62 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-055**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 31 feet front to rear of Sub Lot No. 15 in the J. E. Latimer Re-Subdivision of part of Original One Hundred Acre Lots Nos. 423, 424, 431 and 432, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and being 31 feet front on the Westerly side of East 83rd Street, and extending back of equal width 127.62 feet, as appears by said plat, be the same more or less but subject to all legal highways.

**PPN 126-31-056**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet of Sub Lot No. 16 and one foot off the Northerly side of Sub Lot No. 15 in J. E. Latimer's Re-Subdivision of part of Gill, Brainard, Hower and Higbee's Allotment of part of Original One Hundred Acre Lots Nos. 423, 424, 431 and 432, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 31 feet on the Westerly side of East 83rd Street (formerly Garretson Street), and extending back of equal width 127.62 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-057**

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

Ohio, and known as being the Southerly 29 feet of Sub Lot No. 17 and the Northerly 2 feet of Sub Lot No. 16 in J. E. Latimer's ReSubdivision of part of Gill, Brainard, Hower and Higbee's Allotment of part of Original One Hundred Acre Lots Nos. 423, 424, 431 and 432, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 31 feet on the Westerly side of East 83rd Street (formerly Garretson Street), and extending back of equal width, 127.62 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-058**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sub Lot No. 18 and the Northerly 3 feet of Sub Lot No. 17 in J. E. Latimer's ReSubdivision of part of Original One Hundred Acre Lots Nos. 423 and 431, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and together forming a parcel of land 35 feet front on the Westerly side of East 83rd Street (formerly Garretson Street), and extending back of equal width 127.62 feet, as appears by said plat, be the same more or less but subject to all legal highways.

**PPN 126-31-059**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 100 feet of Sub Lot No. 168 in Gill, Brainard, Hower and Higbee's Subdivision of part of Original One Hundred Acre Lots Nos. 423, 424, 431 and 432, as shown by the recorded plat in Volume 5 of Maps, Page 37 of Cuyahoga County Records, and being 39 feet 3 1/4 inches front on the Westerly side of East 83rd Street (formerly Garretson Avenue), and extending back 100 feet on the Northerly line, 100 feet on the Southerly line, and having a rear line of about 38 feet 10 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that temporary easement interests in the following described properties are not needed for the City's use:

**Green Ambassador –  
Urban Agriculture  
Temporary Easements  
PPN 126-31-049**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sub Lot No. 9 in the J. E. Latimer Re-Subdivision of part of Original One Hundred Acre Lots Nos. 423, 424, 431 and 432, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and being 32 feet front on the Northerly side of Gill Avenue S. E. and extending back of equal width 87.83 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-050**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sub Lot No. 10 in J. E. Latimer's Re-Subdivision of part of Original One Hundred Acre

Lots Nos. 423 and 431, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and being 32 feet front on the Northerly side of Gill Avenue, S. E., and extending back of equal width 87.83 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-051**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sub Lot No. 11 in J. E. Latimer's Re-subdivision of Sub Lots Nos. 135 to 142 inclusive, and Sub Lots Nos. 169 to 175 inclusive in Gill, Brainard, Hower and Higbee's Subdivision of part of Original One Hundred Acre Lots Nos. 423 to 431, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and being 32 feet front on the Northerly side of Gill Ave., S. E., and extending back of equal width 87.83 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**PPN 126-31-052**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sub Lot No. 12 in Jay E. Latimer's Re-subdivision of part of Original One hundred Acre Lots Nos 423 and 431, as shown by the recorded plat in Volume 23 of Maps, Page 19 of Cuyahoga County Records, and being 31.62 feet front on the Northerly side of Gill Avenue S.E., and extending back 87.83 feet deep on the Westerly line, 87.83 feet deep on the Easterly line, which is also the Westerly line of East 83rd Street, (formerly Garretson Avenue), and 31.62 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 4.** That the easements and temporary easements shall be non-exclusive and the purpose of the easements shall be to assist NEORSRD with implementing its Urban Agriculture Project.

**Section 5.** That the duration of the easements shall be perpetual; that the duration of the temporary easements shall be until the Urban Agriculture Project is completed; that the easements and temporary easements may include reasonable right of entry rights to the City; that the easements and temporary easements shall not be assignable without the consent of the Director of Public Works; that the easements and temporary easements shall require that NEORSRD maintain any NEORSRD improvements located within the easements and the temporary easements, and pay any applicable taxes and assessments.

**Section 6.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described property, and non-exclusive easements and temporary interests to NEORSRD subject to any conditions stated in this ordinance at a price determined to be fair market value by the Board of Control.

**Section 7.** That the conveyance to sell Permanent Parcel No. 126-32-020A shall be made by quitclaim deed prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified

by the Board of Control or Director of Law, which shall protect the parties as their respective interests require.

**Section 8.** That the conveyances referred to above shall be made by official deeds of easement and official deeds of temporary easement prepared by the Director of Law and executed by the Director of Works on behalf of the City of Cleveland. The deeds of easement and the deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the implementation of the Urban Agriculture Project within the properties described in this ordinance.

**Section 9.** That the Director of Public Works is authorized to enter into one or more agreements necessary to effectuate the real estate transactions authorized in this ordinance.

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 721-14.**

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

**An emergency ordinance authorizing the Directors Public Utilities and Public Works to execute deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in portions of a City-owned property located on Henninger Road and Wildlife Way, a City-owned undedicated roadway, and declaring the easement rights no longer needed for the City's use.**

Whereas, the Northeast Ohio Regional Sewer District ("NEORSRD") has requested the Directors of Public Utilities and Public Works to convey certain easement rights in portions of a City-owned property located on Henninger Road and Wildlife Way, a City-owned undedicated roadway, for the purpose of implementing its Combined Sewer Overflow (CSO) Project 049/050 ("CSO"); and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that easement interests in the following described properties are no longer needed for the City's use:

**CSO 049/050 Relocation  
Permanent Sewer Easement No. 10  
Across Parcel No. 009-11-014  
0.0529 Acres**

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

and known as being part of Sublot Nos. 7 and 8 in J. Henninger Heirs Allotment of Original Brooklyn Township Lot No. 64 as recorded in Volume 15, Page 17 of the Cuyahoga County Map Records. Also being part of the land conveyed to City of Cleveland as recorded in Volume 5804, Page 208 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at the intersection of the northwesterly line of said Sublot No. 7 and the northerly right of way of Henninger Road (50.00 feet wide);

Thence, along the northwesterly line of said Sublot No. 7, North 23° 06' 18" East, 110.47 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the northwesterly line of said Sublot No. 7, North 23° 06' 18" East, 25.40 feet;

Thence, leaving the northwesterly line of said Sublot No. 7, along the arc of a curve which deflects to the right, 112.49 feet to the southeasterly line of said Sublot No. 8, said curve having a radius of 430.00 feet, a central angle of 14° 59' 20", and a chord of 112.17 feet which bears South 22° 23' 10" East;

Thence, along the southeasterly line of said Sublot No. 8, South 23° 06' 18" West, 32.95 feet;

Thence, leaving the southeasterly line of said Sublot No. 8, North 14° 11' 51" West, 21.00 feet;

Thence, along the arc of a curve which deflects to the left, 96.93 feet to the point of beginning, said curve having a radius of 410.00 feet, a central angle of 13° 32' 43", and a chord of 96.70 feet which bears North 20° 58' 12" West.

Containing within said bounds 0.0529 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in October 2012.

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

**CSO 049/050 Relocation  
Permanent Sewer Easement No. 2  
Across Parcel No. 014-23-001  
0.0324 Acres**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 64. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 583, Page 86 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at the intersection of the northerly right of way of Henninger Road and the westerly right of way of Pearl Road;

Thence, along the westerly right of way of Pearl Road, North 24° 38' 40" East, 131.00 feet;

Thence, continuing along the westerly right of way Pearl Road, North 24° 37' 22" East, 210.86 feet to the southerly line of said land conveyed to the City of Cleveland and the True Point of Beginning for the easement herein described;

Thence, along City of Cleveland's southerly line, along the arc of a curve which deflects to the left, 9.23 feet, said curve having a radius of 189.98 feet, a central angle of 02° 47' 05", and a chord of 9.23 feet which bears North 68° 47' 18" West;

Thence, leaving said southerly line, North 08° 17' 20" West, 76.51 feet to the northerly line of said land conveyed to the City of Cleveland;



Thence, along City of Cleveland's northerly line, along the arc of a curve which deflects to the right, 21.66 feet, said curve having a radius of 259.98 feet, a central angle of 04° 46' 23", and a chord of 21.65 feet which bears South 75° 45' 51" East;

Thence, leaving said northerly line, South 08° 17' 20" East, 54.28 feet to the westerly right of way of Pearl Road;

Thence, along the westerly right of way of Pearl Road, South 24° 37' 22" West, 22.02 feet to the point of beginning.

Containing within said bounds 0.0324 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in October 2012.

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

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interests to NEORSD, subject to any conditions stated, at a price not less than fair market value as determined by the Board of Control.

**Section 3.** That the easements shall be non-exclusive and the purpose of the easement shall be to allow NEORSD to implement their CSO.

**Section 4.** That the duration of the easements shall be permanent; that the easements may include right-of-entry rights to the City; that the easements shall require that NEORSD maintain any NEORSD improvements located within the easements, and pay any applicable taxes and assessments.

**Section 5.** That the conveyances referred to above shall be made by official deeds of easement prepared by the Director of Law and executed by the Directors of Public Utilities and Public Works on behalf of the City of Cleveland. The deeds of easement shall contain such additional terms and conditions as are required to protect the interests of the City. The Directors of Public Utilities, Public Works, and Law are authorized to execute such other documents, including without limitation, contracts for right-of entry, as may be necessary to effect this ordinance.

**Section 6.** 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, Public Works, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 722-14.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for the City's use located at 16005 Chagrin Boulevard in the City of Shaker Heights, to Amsdell Storage Ventures XVIII, LLC, or its designee, for purposes of redevelopment.**

Whereas, the Director of Public Works has requested the sale of the City-owned property to Amsdell Storage Ventures XVIII, LLC, or its designee (the "Redeveloper") no longer needed for public use and located at 16005 Chagrin Boulevard in the City of Shaker Heights, for purposes of redevelopment; and

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

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

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

**LEGAL DESCRIPTION  
OF  
PART OF P.P.N. 735-16-001  
CREATING  
PARCEL "A"**

Situated in the City of Shaker Heights, County of Cuyahoga, and State of Ohio, and known as being part of Original Warrensville Township Lot No. 42 and bounded and described as follows:

Beginning at a 1" iron pin in a monument box found at the intersection of the centerlines of Chagrin Boulevard (formerly Kinsman Boulevard) (State Route 422) (width varies) and the centerline of Lee Road (width varies);

Thence South 89° 33' 00" West along the centerline of Chagrin Boulevard, 1377.67 feet to a point;

Thence North 00° 27' 30" West, 33.00 feet to a 5/8"x30" iron pin set on the northerly right of way of Chagrin Boulevard and being the southeasterly corner of The S.J. Gibbs Subdivision as shown on the plat recorded in Volume 82, Page 10 of Cuyahoga County Map Records and the southwesterly corner of land conveyed to The Greater Cleveland Regional Transit Authority (Parcel No. 11) (Part of P.P.N. 735-16-001) by deed dated September 5, 1975 and recorded in Volume 13869, Page 547 of Cuyahoga County Deed Records;

Thence North 00° 27' 30" West along an easterly line of the S.J. Gibbs Subdivision and the westerly line of land so conveyed to The Greater Cleveland Regional Transit Authority, 183.00 feet to the Principal Place of Beginning of the premises herein described;

Thence North 00° 27' 30" West continuing along an easterly line of S.J. Gibbs Subdivision and the westerly line of land so conveyed to The Greater Cleveland Regional Transit Authority, 67.00 feet to the northwesterly corner of land so conveyed to The Greater Cleveland Regional Transit Authority;

Thence North 89° 33' 00" East along the northerly line of lands so conveyed to The Greater Cleveland Regional Transit Authority, 180.00 feet to a point within a brick building (16005 Chagrin Boulevard);

Thence South 00° 27' 30" East, 250.00 feet to a point on the northerly right of way of said Chagrin Boulevard;

Thence South 89° 33' 00" West along the northerly right of way of Chagrin Boulevard, 28.00 feet to a point;

Thence North 00° 27' 30" West, 140.00 feet to a point;

Thence North 48° 35' 55" West, 64.45 feet to a point;

Thence South 89° 33' 00" West, 104.00 feet to the Principal Place of Beginning, containing 0.4182 acres of land as surveyed and described by Edward B. Dudley, PS No. 6747, of the Riverstone Company in August 2013, and subject to all legal highways, restrictions, reservations and easements.

Note: All 5/8"x30" iron pins set and capped "Riverstone Company-Dudley PS6747"

**Basis of Bearings:**

The centerline of Chagrin Boulevard as North 89°33'00" East in The S.J. Gibbs Subdivision as shown on the plat recorded in Volume 82, Page 10 of Cuyahoga County Map Records.

**Deed of Reference:**

Land conveyed to The Greater Cleveland Regional Transit Authority (P.P.N. 735-16-001) (Parcel No. 11) by deed dated September 5, 1975 and recorded in Volume 13869, Page 547 of Cuyahoga County Deed Records.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than \$10,000, which is determined to be fair market value, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

**Section 3.** That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require.

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

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 723-14.**

**By Council Members Polensek, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell a portion of City-owned property no longer needed for the City's use located at the northeast corner of Villaview Boulevard and Mozina Drive to Bill Dagg, or his designee, for the business expansion of Muldoon's Saloon and Eatery.**

Whereas, the Director of Capital Projects has requested the sale of the City-owned property to Bill Dagg, or his designee (the "Redeveloper") no longer needed for the City's use and

located at northeast corner of Villaview Boulevard and Mozina Drive for business expansion of Muldoon's Saloon and Eatery; and

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

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

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

**LEGAL DESCRIPTION  
OF  
CONVEYANCE PARCEL  
PART OF P.P.N. 113-09-034  
CLEVELAND, OHIO**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 18 in the John Mozina's Subdivision of part of the Original Euclid Township Tract No. 15, as shown by the plat recorded in Volume 95, Page 9 of Cuyahoga County Map Record and further bounded and described as follows:

Beginning at p.k. nail found at the intersection of the centerline of Mozina Drive (40 feet wide) with the centerline of East 185th Street (80 feet wide);

Thence South 01°15'00" West along the centerline of East 185th Street, 40.00 feet to a p.k. nail set;

Thence North 88°45'00" West, 40.00 feet to a 5/8" iron pin found on the westerly line of East 185th Street;

Thence South 01°15'00" West along the westerly line of East 185th Street, 140.00 feet to a 5/8" iron pin found at a northwesterly limited access right of way of Villaview Boulevard (also known as North Marginal Road) (variable width);

Thence South 65°47'12" West along the northwesterly limited access right of way of Villaview Boulevard, 116.30 feet to a 5/8" iron pin found at the southeasterly corner of land conveyed to William E. Dagg by the deed recorded in Auditor's File No. 201306060213 of Cuyahoga County Records and being the Principal Place of Beginning of the premises herein described;

Thence South 01°14'22" East, 8.21 feet to a point;

Thence South 69°27'31" West, 80.99 feet to a point of curvature at the turnout to said Mozina Drive;

Thence along said curved turnout deflecting to the right, an arc of 51.50 feet with a delta of 109°17'46", said curve having a radius of 27.00 feet, and a chord that bears North 55°53'36" West, 44.04 feet to a point on the curved easterly line of Mozina Drive;

Thence along the curved easterly line of Mozina Drive deflecting to the right, an arc of 14.38 feet with a delta of 02°29'43", said curve having a radius of 330.00 feet, and a chord that bears North 00°00'08" East, 14.37 feet to the southwesterly corner of land so conveyed to William E. Dagg;

Thence South 88°45'00" East along the southerly line of land so conveyed to William E. Dagg, 112.15 feet to the Principal Place of Beginning, containing 0.0705 acres of land, as surveyed and described by Edward B. Dudley, P. S. No. 6747 of The Riverstone Company in February of 2014

and subject to all legal highways, restrictions, reservations and easements of record.

Note: All 5/8"x30" iron pins set and capped "Riverstone Company-Dudley PS6747"

**Basis of Bearing:**

The centerline of East 185th Street as North 01°15'00" East in the Plat of Lot Consolidation as shown on the plat recorded in Volume 341, Pages 58 of Cuyahoga County Map Records.

Edward B. Dudley P.S. No. 6747 Date

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than \$2,300, and other valuable consideration, which is determined to be fair market value, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

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

**Section 4.** That 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 Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 724-14.**

**By Council Members Conwell, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell a portion of City-owned property no longer needed for the City's use located at 10526-32 Chester Avenue to the Cleveland Clinic Foundation for its CCL-3 substation improvement project.**

Whereas, the Director of Public Safety has requested the sale of a portion of City-owned property to the Cleveland Clinic Foundation (the "Redeveloper") no longer needed for the City's use and located at 10526-32 Chester Avenue to the Cleveland Clinic Foundation for its CCL-3 substation improvement project; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified

Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for the City's use:

**Legal Description**

**For**

**The Cleveland Clinic Foundation  
Split Parcel**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Original 100 Acre lot No. 402, further described as a strip of land about 21 feet wide along the Westerly line of P.P.N. 119-20-027, now owned by the City of Cleveland. Said strip of land to be more particularly defined in a partition survey to be prepared for transfer of such land to the adjoining parcel owner.

10526-32 Chester Ave., N.W.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

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

**Section 4.** The Director of Public Safety is authorized to execute any other documents, including without limitation, contracts for right of entry, prior to conveyance of the property as may be necessary to effect 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 Public Safety, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 725-14.**

**By Council Members Sweeney, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell Permanent Parcel No. 021-18-024, City-owned property no longer needed for the City's use and located in the vicinity of West 121st Street, to Lakeside Supply Company, or its designee, for purposes of business expansion.**

Whereas, the Director of Capital Projects has requested the sale of the City-owned property identified as Permanent Parcel No. 021-18-024 to

Lakeside Supply Company, or its designee (the "Redeveloper") no longer needed for the City's use and located in the vicinity of West 121st Street for purposes of business expansion; and

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

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

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

**Legal Description of PPN 021-18-024**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 20 and being described as follows:

Beginning at a 5/8 inch iron pin in a monument box found at the intersection of the centerline of Berea Road (60 feet wide) and the centerline of West 117th Street (80 feet wide);

Thence South 62 degrees 04' 30" West along the centerline of Berea Road, 1231.94 feet to a p.k. nail set;

Thence South 00 degrees 29' 39" West, 34.11 feet to a p.k. nail set on the southerly right-of-way of Berea Road;

Thence North 62 degrees 04' 30" East along the southerly right-of-way of Berea Road, 22.74 feet to a 5/8 inch iron pin found (0.05 feet north, 0.37 feet west) and a second 5/8 inch iron pin found (0.07 feet north, 0.46 feet west) at the northwesterly corner of land conveyed to GJDK, Inc. (PPN 021-18-008) by deed dated May 23, 2007 and recorded in AFN 200705230026 of Cuyahoga County Deed Records;

Thence South 00 degrees 29' 39" West along the westerly line of land so conveyed to GJDK, Inc. 586.89 feet to a 5/8 inch by 30 inch iron pin set at the PRINCIPAL PLACE OF BEGINNING of the premises described herein;

Thence North 62 degrees 04' 30" East along the southerly line of land so conveyed to GJDK, Inc., 156.79 feet to a 5/8 inch by 30 inch iron pin set at a point of curvature;

Thence along the curved southerly line of land so conveyed to GJDK, Inc., and a southerly line of land conveyed to HD Development of Maryland, Inc. (PPN 021-18-010) by deed dated October 11, 2000 and recorded in AFN 200010110588 of Cuyahoga County Deed Records, deflecting to the right, an arc of 215.85 feet, said curve having a radius of 435.23 feet and a chord which bears North 76 degrees 16' 57" East, 213.64 feet to a 5/8 inch by 30 inch iron pin set at a point of tangency at a southwesterly corner of land so conveyed to HD Development of Maryland, Inc. (PPN 021-18-009);

Thence South 89 degrees 30' 35" East continuing along the southerly line of land so conveyed to HD Development of Maryland, Inc. 128.56 feet to a 5/8 inch by 30 inch iron pin set on a westerly line of land so conveyed to HD Development of Maryland, Inc. (PPN 021-18-004);

Thence South 00 degrees 29' 25" West along a westerly line of land so conveyed to HD Development of Maryland, Inc. and a westerly line of land conveyed to Public Storage Properties XX, Inc. (PPN 021-18-013) by deed dated December 06, 1991 and

recorded in Volume 91-7957, Page 47 of Cuyahoga County Deed Records, 45.00 feet to a 5/8 inch by 30 inch iron pin set at a northwesterly corner of land thereof;

Thence North 89 degrees 30' 21" West along a northerly line of lands so conveyed to Public Storage Properties XX, Inc. and a northerly line of land conveyed to Ashta Enterprises Limited Liability Company (PPN 021-18-011) by deed dated April 24, 2000 and recorded in AFN 200004240736 of Cuyahoga County Deed Records, 128.62 feet to a 5/8 inch by 30 inch iron pin set at a point of curvature;

Thence along the curved northerly line of land so conveyed to Ashta Enterprises Limited Liability Company, deflecting to the left, an arc of 255.29 feet, said curve having a radius of 514.70 feet and a chord which bears South 76 degrees 17' 05" West, 252.68 feet to a 5/8 inch by 30 inch iron pin set at a point of tangency;

Thence South 62 degrees 04' 30" West continuing along the northerly line of land so conveyed to Ashta Enterprises Limited Liability Company, passing through a 5/8 inch by 30 inch iron pin set at 106.91 feet, a total distance of 113.69 feet to a 5/8 inch by 30 inch iron pin set;

Thence North 00 degrees 29' 39" East, 34.06 feet to the PRINCIPAL PLACE OF BEGINNING and containing 0.4418 acres as surveyed and described by Edward B. Dudley, Registered Surveyor No. 6747, of the Riverstone Company in December 2007 and subject to all legal highways, restrictions, reservations and easements of record.

**Basis of Bearings:**

North 62 degrees 04' 30" West, as the centerline of Berea Road in the plat of Lot Split, as recorded in Volume 251, Page 56 of Cuyahoga County Map Records.

The bearings used in this description are referred to as assumed meridian and are used to denote angles only.

**Deed of Reference:**

Land conveyed to the City of Cleveland, OH by deed dated June 01, 2007 and recorded in AFN 200706010763 of Cuyahoga County Deed Records.

Note: All 5/8 inch by 30 inch iron pins set and capped "Riverstone Company - Dudley PS 6747"

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than \$15,000, and other valuable consideration, which is determined to be fair market value, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

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

**Section 4.** That 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 Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 726-14,**

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

**An emergency ordinance authorizing the sale to the Ohio Department of Transportation of various City-owned properties and easements, including those in the Land Reutilization Program, that are located between I-490 and East 55th Street to Chester Avenue and East 105th Street for purposes of constructing the Opportunity Corridor Transportation Project; authorizing the Directors of Capital Projects, Public Works, and Community Development to enter into one or more agreements with the Ohio Department of Transportation regarding the Project; authorizing mutually agreed-upon land donations from Ohio Department of Transportation to Capital Projects at the completion of the Project; and authorizing other agreements necessary to implement the Project.**

Whereas, the Opportunity Corridor Transportation Project ("Opportunity Corridor") is a transportation and economic development project to be constructed by the Ohio Department of Transportation ("ODOT") aimed at connecting Interstate 490 to the University Circle neighborhood with project boundaries between I-490 and East 55th Street to Chester Avenue and East 105th Street ("Project Boundaries"); and

Whereas, in addition to the transportation benefits Opportunity Corridor will provide when completed, the project also opens the potential for new economic development, new jobs, and a new identity for the community; and

Whereas, ODOT requires numerous land acquisitions and easements from public and private land owners in order to implement Opportunity Corridor; and

Whereas, ODOT currently estimates that it will need approximately 160 City-owned properties most of which are currently in the City's Land Reutilization Program's land bank, plus the conveyance of additional parcels which will be acquired by the City's land bank in the future through foreclosures; and

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

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

Whereas, through the City's Land Reutilization Program the City owns real properties located within the Project Boundaries; and

Whereas, ODOT, in connection with Opportunity Corridor, has proposed to purchase the real properties, which are not needed for public use, from the City's Land Reutilization Program; and

Whereas, the Directors of Capital Projects, Public Works, and Community Development have requested the sale of non-land bank City-owned properties to ODOT no longer needed for public use and located within the Project Boundaries for purposes of implementing Opportunity Corridor; and

Whereas, ODOT has also requested the City to convey certain easements and temporary easement rights in properties located within the Project Boundaries in conjunction with constructing Opportunity Corridor; and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that various non-land bank City-owned properties ("Non-Land Bank Properties") that are located within the Project Boundaries of Opportunity Corridor are no longer needed for the City's use.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the Non-Land Bank Properties to ODOT, taking into account all restrictions, reversionary interests and similar encumbrances that may be placed by the City of Cleveland in the deeds of conveyances.

**Section 3.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell various properties to ODOT within the Project Boundaries that are either currently in the City's land bank, or will be in the future, acquired under the Land Reutilization Program ("Land-Bank Properties").

**Section 4.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that various permanent and temporary easements that are located within the Project Boundaries (the "Project Easements") are no longer needed for the City's use.

**Section 5.** That the Project Easements shall be exclusive and the purpose of the Project Easements shall be to construct the Opportunity Corridor.

**Section 6.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described exclusive Project Easements to ODOT.

**Section 7.** That the duration of the permanent easements within the Project Easements shall be perpetual; that the duration of the temporary easements within the Project Easements shall be until Opportunity Corridor is completed; that the Project Easements may include reasonable

rights of entry rights to the City; that the Project Easements shall not be assignable without the consent of the Directors of Capital Projects; that the Project Easements shall require that ODOT or its contractors provide reasonable insurance during construction and pay any applicable taxes and assessments.

**Section 8.** That the conveyances of the Non-Land Bank Properties and Land-Bank Properties shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain provisions against the erection of any advertising signs or billboards except permitted identification signs.

**Section 9.** That the conveyances of the Project Easements shall be made by official deeds of easement and official deeds of temporary easement prepared by the Director of Law and executed by the Director of Capital Projects, Public Works, or Community Development on behalf of the City of Cleveland depending on what department has jurisdiction over the property. The deeds of easement and the deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interests of the City. The Directors of Capital Projects, Public Works, Community Development and Law are authorized to execute any other documents, including without limitation, rights of entry as may be necessary to effect the construction of the Opportunity Corridor within the Project Boundaries.

**Section 10.** That the Non-Land Bank Properties, Land Bank Properties, and Project Easements shall be transferred to ODOT at no cost and the value of City's land interests shall be applied by ODOT towards the City's required share of the cost of project construction. Property valuation shall be at fair market value as determined by the Board of Control.

**Section 11.** That the Directors of Capital Projects, Public Works, and Community Development are authorized to enter into one or more agreements with ODOT regarding the construction and implementation of the Opportunity Corridor. The agreement shall include, among other things, the terms and conditions of accepting mutually agreed-upon land donations from ODOT at the completion of Opportunity Corridor and ODOT's obligation to prepare roadway dedication plat(s) that shall be drafted to City's specifications.

**Section 12.** That the Director of Capital Projects is authorized to accept the donations on behalf of the City of Cleveland.

**Section 13.** That the Directors of Capital Projects, Public Works, and Community Development are authorized to enter into any agreements necessary to implement the Opportunity Corridor, including those necessary for lot splits.

**Section 14.** 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, Public Works, Community Development, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 727-14.**

**By Council Members Cummins, K. Johnson, Zone, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at 3918 Daisy Avenue for future parking lot expansion at the 2nd District Police Station, for the Department of Public Safety.**

Whereas, the Director of Public Safety has requested the purchase of property located adjacent to 3918 Daisy Avenue for future parking lot expansion at the 2nd District Police Station; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property located at 3918 Daisy Avenue for future parking lot expansion at the 2nd District Police Station:

**Legal description of PPN 015-12-018**

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

And known as being Sub Lot No. 103 in J.W. Hardy's Subdivision of part of Original Brooklyn Township Lot No. 55 as shown by the recorded plat in Volume 5 of Maps, Page 20 of Cuyahoga County Records.

Said Sub Lot 103 has a frontage of 40 feet on the northerly side of Daisy Avenue, S.W. (formerly Reible Avenue) and extends back one hundred twenty-six feet and nine inches deep on the westerly line and is forty feet in the rear, as per plat, be the same more or less, but subject to all legal highways.

Property Address: 3918 Daisy Avenue, Cleveland, OH 44109

**Section 2.** That the Director of Public Safety is authorized to execute on behalf of the City of Cleveland all necessary documents to effect the purposes of this ordinance.

**Section 3.** That the consideration to be paid for this property shall not exceed \$100.00, which is determined to be fair market value.

**Section 4.** That all costs of acquiring, accepting, and recording the land shall be paid from Fund No. 10 SF 025.

**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 Safety, City Planning Commission, Finance, Law; Committees on Municipal

pal Services and Properties, Safety, Development Planning and Sustainability, Finance.

**Ord. No. 728-14.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at 19218 Nottingham Road needed to construct a new entryway to R.J. Taylor Park from Nottingham Road, for the Department of Public Works.**

Whereas, the Director of Public Works has requested the purchase of property identified as PPN 116-34-027 which is located at 19218 Nottingham Road needed to construct a new entryway to R.J. Taylor Park from Nottingham Road; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property needed to construct a new entryway to R.J. Taylor Park from Nottingham Road:

**Legal Description of PPN 116-34-027**

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

And known as being Sublot No. 2 in Dille Homes, Inc. Subdivision of part of Original Euclid Township, Tract No. 14, as shown by the recorded plat in Volume 145 of Maps, Page 29 of Cuyahoga County Records, as appears by said plat.

**Section 2.** That the Director of Public Works is authorized to execute on behalf of the City of Cleveland all necessary documents to effect the purposes of this ordinance.

**Section 3.** That the consideration to be paid for this property shall not exceed \$1.00 and other valuable considerations which is determined to be fair market value.

**Section 4.** That all costs of acquiring, accepting, and recording the land shall be paid from the fund to be determined by the Director of Finance.

**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 Works, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 729-14.**

**By Council Members J. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to transfer Permanent Parcel No. 116-19-010 located at 18521 St. Clair Avenue, to the control, possession,**

**and use of the Department of Economic Development for inclusion into a consolidated site to be used for future redevelopment in the Collinwood and Nottingham neighborhoods.**

Whereas, the Department of Community Development desires to transfer certain property under its control to the Department of Economic Development; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the property to be transferred will become a component of the City of Cleveland's industrial land reutilization program, and, as such, will be regulated by Chapter 5722 of the Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, regarding acquisition and disposition of the property; and

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

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

**Section 1.** That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to transfer Permanent Parcel No. 116-19-010 to the control, possession, and use of the Department of Economic Development.

**Section 2.** That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management of the Department of Public Works.

**Section 3.** That, upon disposition of the parcel number 116-19-010, the Directors of Economic Development and Community Development agree that fifty percent (50%) of the proceeds of sale of stated parcel will be deposited into Fund No. 17 SF 965 (Industrial Commercial Land Bank Fund), and fifty percent (50%) of the remaining net proceeds will be deposited into Fund No. 14 SF 039 (Community Development Block Grant Land Bank).

**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 Development, Economic Development, City Planning Commission, Finance, Law; Committees on Development Planning and Sustainability, Finance.

**Ord. No. 730-14.**

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

**An emergency ordinance authorizing the Director of Port Control to execute a deed of easement granting to the Cleveland Electric Illuminating Co. certain easement rights in property located at Cleveland Hopkins International Airport, and declaring that the easement rights granted are not needed for the City's**

**public use; and proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to The Bank of New York Mellon Trust Company, National Association, as successor trustee and authorizing the Director of Port control to apply to the bond trustee for land release.**

Whereas, the Cleveland Electric Illuminating Co. ("CEI") has requested the Director of Port Control to convey certain easement rights in property located at Cleveland Hopkins International Airport ("CHIA"); and

Whereas, CEI requires an easement to install and maintain electrical lines and other facilities necessary for distributing and transmitting electricity; and

Whereas, the easement rights to be granted are not needed for the City's public use; and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for the City's public use:

12' Electric Easement  
P.P.N. 029-38-008  
DGB 4371-1

April, 2014

**LEGAL DESCRIPTION**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Parcel "A" in a Lot Split Plat of part of Original Rockport Township Section 4 recorded in Volume 339, Page 72 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning at a point in the northwesterly line of Relocated Old Grayton Road, 60 feet wide, at its intersection with the northerly line of said Parcel "A";

Thence southwesterly along the curved northwesterly line of Relocated Old Grayton Road, being the arc of a curve deflecting to the left, 86.57 feet to a point, and the principal place of beginning of the easement herein described, said arc having a radius of 410.00 feet, a central angle of 12 degrees 05 minutes 50 seconds, and a chord which bears South 47 degrees 35 minutes 09 seconds West, 86.41 feet;

Thence southwesterly along the curved northwesterly line of Relocated Old Grayton Road, being the arc of a curve deflecting to the left, 13.22 feet to a point, said arc having a radius of 410.00 feet, a central angle of 1 degree 50 minutes 52 seconds, and a chord which bears South 40 degrees 36 minutes 48 seconds West, 13.22 feet;

Thence North 74 degrees 13 minutes 04 seconds West, 77.00 feet to a point;

Thence South 88 degrees 35 minutes 33 seconds West, 619.47 feet to a point;

Thence South 78 degrees 20 minutes 36 seconds West, 163.68 feet to a point;

Thence South 74 degrees 05 minutes 35 seconds West, 67.94 feet to a point in the easterly line of a parcel of land conveyed to 21000 Fairview, LLC by deed recorded as AFN 201405020411 of Cuyahoga County Records;

Thence North 0 degrees 37 minutes 52 seconds West along the easterly line of said land conveyed to 21000 Fairview, LLC, 12.44 feet to a point;

Thence North 74 degrees 05 minutes 35 seconds East, 65.11 feet to a point;  
 Thence North 78 degrees 20 minutes 36 seconds East, 165.20 feet to a point;  
 Thence North 88 degrees 35 minutes 33 seconds East, 622.36 feet to a point;  
 Thence South 74 degrees 13 minutes 04 seconds East, 84.37 feet to the principal place of beginning as described by Donald G. Bohning & Associates, Inc. in April, 2014.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

**Section 2.** That the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to CEI subject to any conditions stated in this ordinance, at a price determined to be fair market value by the Board of Control.

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be to install and maintain electrical lines and other facilities necessary for distributing and transmitting electricity.

**Section 4.** That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Port Control; that the easement may include reasonable right-of-entry rights to the City; that the easement shall require that CEI provide reasonable insurance, maintain any CEI improvements located within the easement; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

**Section 5.** That the conveyance referenced above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Directors of Port Control and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

**Section 6.** That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to The Bank of New York Mellon Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended (the "Indenture"), that the City desires and requests that a certain portion of its land before subject to the Indenture be released and removed from all obligations under the Indenture. Further, the City acknowledges, states and affirms that it is not in default under the Indenture.

**Section 7.** That the Director of Port Control is authorized to apply to The Bank of New York Mellon Trust Company, National Association, as successor trustee, for release of the land described in this ordinance under the Indenture.

**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 Port Control, City Planning Commission, Finance, Law; Committees on Transportation, Development Planning and Sustainability, Finance.

**Ord. No. 731-14.**  
**By Council Members K. Johnson and Kelley (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of constructing, reconstructing, and replacing cemetery facilities, buildings, structures and grounds; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvement; and authorizing the director to employ one or more professional consultants to design 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, reconstructing, and rehabilitating cemetery facilities, buildings, structures and grounds (the "Improvement"), for the Departments of Public Works and Capital Projects, 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, provided the City of Cleveland sells the bonds authorized by Ordinance No. 499-14, passed April 14, 2014, the Director of Public Works or Capital Projects, as appropriate, is authorized 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, provided the City of Cleveland sells the bonds authorized by Ordinance No. 499-14, passed April 14, 2014, the Director of Public Works or Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Capital Projects, as appropriate for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 4.** That the Director of Public Works or Capital Projects, as appropriate 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 5.** That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of bonds authorized by Ordinance No. 499-14, passed April 14, 2014, if the City sells such bonds and Fund Nos. 20 SF 525, 20 SF 541, 20 SF 547, 20 SF 557, and any funds deemed appropriate by the Director of Finance. (RQS 0103, RL 2014\*20140076)

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

Referred to Directors of Public Works, Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 732-14.**  
**By Council Members K. Johnson and Kelley (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, and other recreation buildings and other similar structures, on City-owned and City-leased park property, including site improvements and appurtenances; authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more contracts for the making of the improvements, including professional services and contract or contracts for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Departments of Public Works and Capital Projects.**

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

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

**Section 1.** That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities and other recreation buildings and other similar structures, on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Departments of Public Works and Capital Projects, 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, provided the City of Cleveland sells the bonds authorized by Ordinance No. 498-14, passed April 21, 2014, the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more

contracts for the making of the public improvement with the lowest responsible bidder 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 under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Director of Public Works or Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 4.** That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 498-14, passed April 14, 2014, the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis 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 on a unit basis.

**Section 5.** That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 498-14, passed April 14, 2014, the Director of Public Works or Capital Projects, as appropriate, is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvements, including the rental of necessary equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Director of Public Works or Capital Projects, as appropriate.

**Section 6.** That, provided the City of Cleveland sells bonds authorized by Ordinance No. 498-14, passed April 14, 2014, the Director of Public Works or Capital Projects, as appropriate, is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects, as appropriate, from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Works or Capital Projects, as appropriate, for the purpose of compiling the list. The compensation to be paid for the

services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 7.** That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 498-14, passed April 14, 2014, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2 and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

**Section 8.** That the Director of Public Works or Capital Projects, as appropriate, 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 9.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Capital Projects, as appropriate, 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 10.** That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of bonds authorized by Ordinance No. 498-14, passed April 14, 2014, if the City sells such bonds and Fund Nos. 20 SF 516, 20 SF 523, 20 SF 535, 20 SF 538, 20 SF 544, 20 SF 552, 20 SF 558, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RL 2014-75)

**Section 11.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 733-14.**  
**By Council Members K. Johnson and Kelley (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of constructing, reconstructing, and replacing public facilities, buildings, and other similar**

**structures, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvement; and authorizing the director to employ one or more professional consultants to design 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, reconstructing, and replacing public facilities, buildings, and other similar structures, including site improvements and appurtenances (the "Improvement"), for the Departments of Public Works and Capital Projects, 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, provided the City of Cleveland sells the bonds authorized by Ordinance No. 499-14, passed April 14, 2014, the Director of Public Works or Capital Projects, as appropriate, is authorized 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, provided the City of Cleveland sells the bonds authorized by Ordinance No. 499-14, passed April 14, 2014, the Public Works or Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Capital Projects, as appropriate, for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 4.** That the Director of Public Works or Capital Projects, as appropriate, 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 5.** That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of bonds authorized by Ordinance No. 499-14, passed April 14, 2014, if the City sells such bonds and Fund Nos. 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, 20 SF 551, 20 SF 553, 20 SF 559, and any funds deemed appropriate by the Director of Finance. (RQS 0103, RL 2014-77)

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

Referred to Directors of Public Works, Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 734-14.**

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

**An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving safety facilities, buildings, and other similar structures, including site improvements and appurtenances; and authorizing the Director of Public Safety or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvement; and authorizing the director to employ one or more professional consultants to design 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving safety facilities, buildings, and other similar structures, including site improvements and appurtenances (the "Improvement"), for the Departments of Public Safety and Capital Projects, 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, provided the City of Cleveland sells the bonds authorized by Ordinance No. 499-14, passed April 14, 2014, the Director of Public Safety or Capital Projects, as appropriate, are authorized 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, provided the City of Cleveland sells the bonds authorized by Ordinance No. 499-14, passed April 14, 2014, the Director of Public Safety or Capital Projects, as appropriate, are authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety or Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Safety or Capital Projects, as appropriate for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Safety or Capital Projects, as appropriate, and certified by the Director of Finance.

**Section 4.** That the Director of Public Safety or Capital Projects, as appropriate, are 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 5.** That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of bonds authorized by Ordinance No. 499-14, passed April 14, 2014, if the City sells such bonds and Fund Nos. 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, 20 SF 551, 20 SF 553, 20 SF 559, and any funds deemed appropriate by the Director of Finance. (RQS 0103, RL 2014-78)

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

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

**Ord. No. 735-14.**

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

**An emergency ordinance determining the method of making the public improvement of constructing all necessary infrastructure needed for the South Campus Area Development Project; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to design 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing all necessary infrastructure needed for the South Campus Area Development Project, including but not limited to constructing infrastructure, buildings, and a roadway (the "Improvement"), for the Department of Port Control, 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 Port Control is authorized 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 Port Control 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 Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement, and for tenant relocation.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 5.** That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 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 130, 60 SF 141, 60 SF 160, and from the fund or funds to which are credited any grant proceeds accepted for this purpose or federal PFCs, if authorized for this purpose, Request No. RQS 3001, RL 2013-127.

**Section 6.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the



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

Referred to Directors of Port Control, City Planning Commission, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 736-14.**  
**By Council Members Zone, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the acquisition, acceptance, and recording of certain easement interests from Cuyahoga Metropolitan Housing Authority for ingress and egress to Fire Station No. 26, for the Department of Public Safety.**

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

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

**Section 1.** That notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record certain easement rights from Cuyahoga Metropolitan Housing Authority for ingress and egress to Fire Station No. 26, located at 7818 Kinsman Road, in and to the premises more particularly described as follows:

**LEGAL DESCRIPTION  
OF**

**INGRESS / EGRESS EASEMENT  
PART OF P.P.N. 127-01-005  
CLEVELAND, OHIO**

Situated in the City of Cleveland, County of Cuyahoga, and the State of Ohio and known as the being part of Parcel "A" in the Lot Split and Consolidation Plat of Original 100 Acre Lot No. 431 as recorded in Volume 373, Page 98-99 of the Cuyahoga County Map Records and further bounded and described as follows:

Beginning at the intersection of the westerly line of East 79th Street (formerly Madison Avenue) (width varies) as shown on the Dedication Map recorded in Volume 200, Pages 3 and 4 of Cuyahoga County Map Records and the southerly line of Kinsman Road (formerly Kinsman

Street) (60 feet wide), also being the northeasterly most corner of Parcel "A" as shown on the Lot Split and Consolidation Plat recorded in Volume 373, Page 98-99 of Cuyahoga County Map Records;

Thence North 56° 41' 18" West along the southerly line Kinsman Road, 62.69 feet to the Principal Place of Beginning of the easement herein described;

Thence South 14° 48' 16" West, 40.00 feet to a point;

Thence South 89° 08' 25" West, 11.82 feet to a westerly line of Parcel "A";

Thence North 14° 48' 16" East along a westerly line of Parcel "A", 47.00 feet to the southerly line of Kinsman Road;

Thence South 56° 41' 18" East along the southerly line of Kinsman Road, 12.00 feet to the Principal Place of Beginning and containing 0.0113 acres of land as surveyed and described by Edward B. Dudley, PS No. 6747 of the Riverstone Company in February of 2014 and subject to all legal highways, restrictions, reservations and easements.

**Basis of Bearings:**

The centerline of Kinsman Road as North 56° 41' 18" West as shown on the Dedication Map of Garden Valley Avenue S.E., Carson Avenue S.E., Extension of Part Avenue S.E., Relocation of East 77th Street and East 78th Street, Widening of East 73rd Street, East 77th Street and East 79th Street as shown on the plat recorded in Volume 200, Page 3&4 of Cuyahoga County Map Records.

**Section 2.** That the cost of acquiring the easement rights shall be \$1.00 and other valuable consideration which is determined to be fair market value. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring and recording the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

**Section 3.** That the Director of Public Safety is authorized to execute any documents on behalf of the City of Cleveland necessary to effect the purposes of 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 Public Safety, City Planning Commission, Finance, Law; Committees on Safety, Development Planning and Sustainability, Finance.

**Ord. No. 737-14.**

**By Council Members Zone, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to enter into an agreement with Shoreway Building LLC to allow and accept the improvements to West 76th Street from Battery Park Boulevard to the West 76th tunnel entrance at Father Frascati Drive, as a gift to the City.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to enter into an agreement with Shoreway Building LLC to allow them to design and construct improvements to West 76th Street from Battery Park Boulevard to the West 76th tunnel entrance at Father Frascati Drive, and to accept the improvements, as a gift to the City. The agreement shall be prepared by the Director of Law.

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

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 739-14.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance to amend Sections 8 and 39 of Ordinance No. 385-14, passed March 31, 2014, 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 Sections 8 and 39 of Ordinance No. 385-14, passed March 31, 2014, are amended to read as follows:

**Section 8. International Local 100, AFSCME Ohio Council 8 AFL-CIO.** That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

|  | <b>Minimum</b> | <b>Maximum</b> |
|--|----------------|----------------|
| 1. Accountant I.....                       | \$14.39        | \$20.20        |
| 2. Accountant II.....                      | 14.88          | 22.17          |
| 3. Accountant III.....                     | 15.48          | 24.58          |
| 4. Accountant Clerk I.....                 | 10.00          | 16.38          |
| 5. Accountant Clerk II.....                | 10.00          | 17.69          |
| 6. Activities Therapist.....               | 10.00          | 15.56          |
| 7. Airport Information Representative..... | 12.14          | 16.97          |
| 8. Airport Operations Agent I.....         | 17.13          | 20.98          |
| 9. Airport Operations Agent II.....        | 21.52          | 24.70          |
| 10. Airport Safety Man.....                | 17.19          | 22.97          |
| 11. Architect.....                         | 10.00          | 30.55          |
| 12. Associate Engineer.....                | 17.83          | 28.57          |

|             |  |              |              |
|-------------|--|--------------|--------------|
| 13.         | Assistant Plan Examiner.....                   | 16.29        | 23.32        |
| 14.         | Assistant Residential Plan Examiner.....       | 13.42        | 23.32        |
| 15.         | Associate Programmer.....                      | 10.00        | 23.74        |
| 16.         | Bill Collector.....                            | 12.14        | 16.97        |
| 17.         | Billing Clerk.....                             | 10.00        | 16.96        |
| 18.         | Building Inspector.....                        | 14.26        | 22.54        |
| 19.         | Building Inspector I.....                      | 14.08        | 24.60        |
| 20.         | Building Inspector II.....                     | 14.89        | 25.99        |
| 21.         | Building Inspector III.....                    | 15.70        | 27.39        |
| 22.         | Building Inspector IV.....                     | 26.35        | 28.81        |
| 23.         | Caseworker I.....                              | 13.33        | 18.43        |
| 24.         | Caseworker II.....                             | 14.03        | 20.20        |
| 25.         | Cashier/Starter.....                           | 10.00        | 20.21        |
| 26.         | Chemist.....                                   | 18.49        | 26.85        |
| 27.         | Chief Miscellaneous Investigator.....          | 10.00        | 23.32        |
| 28.         | Citizens Information Representative.....       | 10.00        | 19.29        |
| 29.         | Claims Examiner.....                           | 10.00        | 23.32        |
| 30.         | Clinical Laboratory Assistant.....             | 10.00        | 19.29        |
| 31.         | Clinical Laboratory Technician I.....          | 10.00        | 22.17        |
| 32.         | Clinical Laboratory Technician II.....         | 16.86        | 23.74        |
| 33.         | Community Development Planner.....             | 10.00        | 29.40        |
| 34.         | Community Health Aide.....                     | 10.00        | 16.37        |
| 35.         | Community Relations Representative I.....      | 10.00        | 19.29        |
| 36.         | Community Relations Representative II.....     | 10.00        | 23.32        |
| 37.         | Community Relations Representative III.....    | 10.00        | 28.86        |
| 38.         | Computer Monitor Assistant.....                | 10.00        | 14.02        |
| 39.         | Computer Operator.....                         | 10.00        | 23.32        |
| 40.         | Construction Technician.....                   | 12.02        | 23.32        |
| 41.         | Consumer Protection Specialist.....            | 10.00        | 18.43        |
| 42.         | Contract and Monitoring Specialist.....        | 10.00        | 24.67        |
| 43.         | Cook.....                                      | 13.77        | 15.94        |
| 44.         | Copy Center Operator.....                      | 10.00        | 18.74        |
| 45.         | Customer Service Representative.....           | 12.15        | 17.67        |
| 46.         | Data Control Clerk.....                        | 10.00        | 16.98        |
| 47.         | Data Conversion Operator.....                  | 12.02        | 15.39        |
| 48.         | Development Officer.....                       | 10.00        | 27.38        |
| <b>48a.</b> | <b>Disease Intervention Specialist I.....</b>  | <b>17.23</b> | <b>24.23</b> |
| <b>48b.</b> | <b>Disease Intervention Specialist II.....</b> | <b>19.81</b> | <b>26.81</b> |
| 49.         | Drug and Alcohol Counselor.....                | 10.00        | 15.02        |
| 50.         | Elevator Inspector.....                        | 14.23        | 24.60        |
| 51.         | Engineer.....                                  | 22.78        | 34.79        |
| 52.         | Environmental Compliance Specialist I.....     | 14.95        | 23.23        |
| 53.         | Environmental Compliance Specialist II.....    | 16.35        | 24.33        |
| 54.         | Environmental Compliance Specialist III.....   | 17.90        | 31.30        |
| 55.         | Environmental Enforcement Specialist I.....    | 14.95        | 24.18        |
| 56.         | Environmental Enforcement Specialist II.....   | 16.35        | 25.34        |
| 57.         | Environmental Enforcement Specialist III.....  | 17.90        | 26.57        |
| 58.         | Environmental Monitoring Specialist I.....     | 13.33        | 23.98        |
| 59.         | Environmental Monitoring Specialist II.....    | 14.18        | 25.10        |
| 60.         | Environmental Monitoring Specialist III.....   | 15.74        | 26.30        |
| 61.         | Financial Analyst.....                         | 10.00        | 22.17        |
| 62.         | Financial Counselor.....                       | 10.00        | 23.32        |
| 63.         | First Press Operator.....                      | 12.00        | 22.25        |
| 64.         | General Storekeeper.....                       | 19.25        | 24.97        |
| 65.         | Geriatric Outreach Worker.....                 | 10.00        | 22.17        |
| 66.         | Hazardous Material Specialist.....             | 21.63        | 32.65        |
| 67.         | Head Cook.....                                 | 10.00        | 17.65        |
| 68.         | Head Storekeeper.....                          | 17.85        | 23.06        |
| 69.         | Help Desk Analyst.....                         | 12.02        | 25.33        |
| 70.         | Home Maintenance Aide.....                     | 10.00        | 16.37        |
| 71.         | House Connection Inspector.....                | 15.39        | 18.88        |
| 72.         | Residential Building Inspector.....            | 17.69        | 20.33        |
| 73.         | Income Tax Tracer.....                         | 12.60        | 17.86        |
| 74.         | Information Control Analyst.....               | 10.00        | 21.15        |
| 75.         | Inspector of Weight and Measures.....          | 12.89        | 17.90        |
| 76.         | Instrumentation Technician I.....              | 20.44        | 21.70        |
| 77.         | Instrumentation Technician II.....             | 22.81        | 23.92        |
| 78.         | Instrument Repairman.....                      | 10.00        | 21.37        |
| 79.         | Intake Specialist.....                         | 10.00        | 16.38        |
| 80.         | Interim Building Inspector.....                | 19.00        | 20.36        |
| 81.         | Interim Mechanical Inspector.....              | 19.00        | 20.36        |
| 82.         | Interim Residential Building Inspector.....    | 15.75        | 16.88        |
| 83.         | Interim Residential Plan Examiner.....         | 20.25        | 21.70        |
| 84.         | Junior Cashier.....                            | 11.14        | 16.97        |
| 85.         | Junior Clerk.....                              | 11.97        | 14.14        |
| 86.         | Lab Coordinator.....                           | 16.82        | 26.88        |
| 87.         | Laboratory Assistant.....                      | 10.00        | 19.29        |
| 88.         | Landscape Designer.....                        | 10.00        | 28.86        |

|      |  |       |       |
|------|--|-------|-------|
| 89.  | Life Guard.....                                      | 10.00 | 16.16 |
| 90.  | Life Guard Captain.....                              | 10.00 | 20.01 |
| 91.  | Mechanical Inspector I.....                          | 14.08 | 24.60 |
| 92.  | Mechanical Inspector II.....                         | 14.89 | 25.99 |
| 93.  | Mechanical Inspector III.....                        | 15.70 | 27.39 |
| 94.  | Mechanical Inspector IV.....                         | 27.39 | 28.81 |
| 95.  | Medical Billing Reimbursement Specialist.....        | 10.42 | 22.06 |
| 96.  | Medical Coder and Billing Analyst.....               | 10.17 | 22.73 |
| 97.  | Messenger.....                                       | 10.00 | 15.24 |
| 98.  | Meter Reader.....                                    | 15.53 | 19.27 |
| 99.  | Miscellaneous Investigator.....                      | 15.35 | 18.62 |
| 100. | Monitoring, Auditing and Evaluation Coordinator..... | 13.65 | 22.51 |
| 101. | Network Analyst I.....                               | 14.52 | 35.28 |
| 102. | On The Job Training Specialist.....                  | 12.71 | 21.74 |
| 103. | Parking Attendant.....                               | 10.00 | 16.38 |
| 104. | Parking Meter Collector.....                         | 10.00 | 16.35 |
| 105. | Parking Meter Serviceman.....                        | 16.49 | 17.19 |
| 106. | Permit Processing Specialist.....                    | 10.00 | 13.72 |
| 107. | Pharmacist.....                                      | 10.74 | 32.25 |
| 108. | Photographer.....                                    | 10.00 | 22.17 |
| 109. | Photographic Laboratory Technician.....              | 10.00 | 19.29 |
| 110. | Physical Director I.....                             | 10.00 | 19.93 |
| 111. | Physical Director II.....                            | 10.00 | 21.51 |
| 112. | Residential Plan Examiner.....                       | 19.56 | 26.36 |
| 113. | Play Director.....                                   | 10.00 | 13.98 |
| 114. | Pressman.....  | 10.00 | 21.75 |
| 115. | Preventive Health Counselor.....                     | 13.59 | 22.55 |
| 116. | Preventive Health Educator.....                      | 10.00 | 15.15 |
| 117. | Principal Cashier.....                               | 14.66 | 23.74 |
| 118. | Principal Clerk.....                                 | 14.88 | 20.10 |
| 119. | Print Shop Helper.....                               | 12.85 | 14.96 |
| 120. | Private Secretary.....                               | 10.00 | 21.21 |
| 121. | Program Analyst.....                                 | 16.64 | 30.74 |
| 122. | Programmer.....                                      | 10.00 | 27.39 |
| 123. | Programmer Analyst.....                              | 10.00 | 30.74 |
| 124. | Property Clerk.....                                  | 11.37 | 34.03 |
| 125. | Psychiatric Social Worker.....                       | 12.48 | 22.10 |
| 126. | Public Health Nursing Aide.....                      | 10.63 | 14.12 |
| 127. | Public Health Sanitarian I.....                      | 15.48 | 21.89 |
| 128. | Public Health Sanitarian II.....                     | 17.38 | 23.60 |
| 129. | Public Health Sanitarian III.....                    | 15.49 | 24.77 |
| 130. | Public Health Sanitarian IV.....                     | 18.77 | 30.44 |
| 131. | Public Information Officer.....                      | 10.00 | 23.32 |
| 132. | Quality Assurance Analyst.....                       | 10.00 | 27.38 |
| 133. | Quality Control Coordinator.....                     | 16.82 | 26.89 |
| 134. | Radio Dispatcher.....                                | 17.33 | 20.99 |
| 135. | Radio Technician.....                                | 19.85 | 20.99 |
| 136. | Receptionist.....                                    | 10.00 | 15.61 |
| 137. | Recreation Aide.....                                 | 10.00 | 11.26 |
| 138. | Recreation Instructor.....                           | 10.00 | 16.38 |
| 139. | Recreation Instructor I.....                         | 10.00 | 17.45 |
| 140. | Recreation Instructor II.....                        | 10.00 | 18.11 |
| 141. | Recreation Instructor III.....                       | 10.00 | 19.16 |
| 142. | Redevelopment Advisor.....                           | 10.00 | 24.59 |
| 143. | Redevelopment Coordinator.....                       | 10.00 | 27.39 |
| 144. | Registered Animal Health Technician.....             | 10.00 | 16.38 |
| 145. | Rehabilitation Inspector.....                        | 17.69 | 27.37 |
| 146. | Second Press Operator.....                           | 10.00 | 19.90 |
| 147. | Secretary.....                                       | 10.00 | 17.69 |
| 148. | Secretary to Director of Consumer Affairs.....       | 10.00 | 28.86 |
| 149. | Senior Assistant City Planner.....                   | 10.00 | 24.59 |
| 150. | Senior Assistant Designer.....                       | 10.00 | 24.59 |
| 151. | Senior Assistant Mechanical Engineer.....            | 10.00 | 24.59 |
| 152. | Senior Cashier.....                                  | 12.57 | 20.20 |
| 153. | Senior Chemist.....                                  | 17.61 | 23.32 |
| 154. | Senior Clerk.....                                    | 12.47 | 16.58 |
| 155. | Senior Computer Operator.....                        | 10.00 | 27.39 |
| 156. | Senior Contract and Monitoring Specialist.....       | 11.34 | 29.03 |
| 157. | Senior Data Conversion Operator.....                 | 13.47 | 18.44 |
| 158. | Senior Development Officer.....                      | 12.63 | 35.93 |
| 159. | Senior Draftsman.....                                | 11.69 | 19.82 |
| 160. | Senior Laboratory Technician.....                    | 10.86 | 18.04 |
| 161. | Senior Landscape Architect.....                      | 10.00 | 30.54 |
| 162. | Sewer Service Man.....                               | 18.16 | 19.27 |
| 163. | Site Inspector.....                                  | 10.00 | 23.32 |
| 164. | Social Worker for Homeless.....                      | 13.82 | 22.94 |
| 165. | Starter (Golf).....                                  | 10.00 | 13.55 |
| 166. | Stenographer III.....                                | 10.00 | 18.43 |

|      |  |       |       |
|------|--|-------|-------|
| 167. | Stock Clerk.....                         | 13.11 | 18.23 |
| 168. | Storekeeper.....                         | 16.66 | 20.76 |
| 169. | Surveyor.....                            | 10.00 | 27.39 |
| 170. | Tax Auditor I.....                       | 14.39 | 18.75 |
| 171. | Tax Auditor II.....                      | 15.48 | 20.73 |
| 172. | Technical Specialist.....                | 10.00 | 23.32 |
| 173. | Technical Specifications Writer.....     | 10.00 | 24.60 |
| 174. | Telecommunications Analyst I.....        | 14.53 | 42.45 |
| 175. | Telephone Operator.....                  | 10.00 | 16.97 |
| 176. | Telephone Supervisor.....                | 10.00 | 17.69 |
| 177. | Traffic Sign and Marking Technician..... | 16.57 | 17.69 |
| 178. | Trainee Building Inspector.....          | 18.60 | 20.33 |
| 179. | Trainee Residential Plan Examiner.....   | 18.25 | 21.13 |
| 180. | Typist.....                              | 12.02 | 15.39 |
| 181. | Water Hydraulic Repairman.....           | 18.16 | 19.27 |
| 182. | Water Meter Repairman.....               | 16.18 | 19.27 |
| 183. | Water Pipe Repairman.....                | 16.44 | 20.67 |
| 184. | Water Serviceman.....                    | 10.00 | 16.46 |
| 185. | Water System Construction Inspector..... | 18.97 | 24.08 |
| 186. | Web Content Editor.....                  | 10.00 | 29.77 |

**Section 39.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

|     | <b>Minimum</b>   | <b>Maximum</b>   |                  |
|-----|--|------------------|------------------|
| 1.  | Administrative Manager.....                            | \$27,193.55      | \$104,891.07     |
| 2.  | Assistant Commissioner of Water.....                   | 27,325.56        | 125,945.67       |
| 3.  | Assistant Secretary of Sinking Fund Commission.....    | 27,325.56        | 100,773.99       |
| 4.  | Chief of Health Planning and Evaluation.....           | 27,325.56        | 79,843.51        |
| 5.  | Chief-Systems Analysis.....                            | 27,325.56        | 100,773.99       |
| 6.  | Consulting Engineer.....                               | 36,000.00        | 97,860.03        |
| 7.  | <b>Disease Intervention Specialist Supervisor.....</b> | <b>47,396.28</b> | <b>68,182.40</b> |
| 8.  | Harbor Manager.....                                    | 27,325.56        | 100,773.99       |
| 9.  | Health Services Administrator.....                     | 27,325.56        | 79,843.51        |
| 10. | Labor Relations Officer.....                           | 27,325.56        | 79,843.51        |
| 11. | Manager of Compensation and Classifications.....       | 27,325.56        | 90,312.42        |
| 12. | Manager of Education and Research.....                 | 27,325.56        | 90,312.42        |
| 13. | Manager of Employee Relations.....                     | 27,325.56        | 93,021.80        |
| 14. | Manager of Equal Employment Opportunity.....           | 27,325.56        | 93,021.80        |
| 15. | Minority Business Development Administrator.....       | 27,325.56        | 79,843.51        |
| 16. | Project Coordinator.....                               | 27,325.56        | 93,021.80        |
| 17. | Risk Manager.....                                      | 27,325.56        | 100,773.99       |
| 18. | Superintendent of Electric Trouble Operations.....     | 27,325.56        | 79,843.51        |
| 19. | Water Business Plan Manager.....                       | 27,325.56        | 93,021.80        |

**Section 2.** That existing Sections 8 and 39 of Ordinance No. 385-14, passed March 31, 2014, 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 Human Resources, Finance, Law; Committee on Finance.

**Ord. No. 740-14.**  
**By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to enter into one or more requirement contracts without competitive bidding with ZOLL Medical Corporation for the purchase of ZOLL X Series Monitor/Defibrillator, and accessories, for the Divisions of Emergency Medical Service and Fire, Department of Public Safety, for a period of one year, with two one-year options to renew, the last of which requires additional legislative authority.**

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

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

**Section 1.** That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than ZOLL Medical Corporation. Therefore, the Director of Public Safety is authorized to make one or more written requirement contracts with ZOLL

Medical Corporation, for the requirements for a period not to exceed one year, with two one-year options to renew, the last of which requires additional legislative authority of the necessary items of ZOLL X Series Monitor/Defibrillator, and accessories, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Divisions of Emergency Medical Service and Fire, Department of Public Safety.

**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 6001, RL 2014-31)

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

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

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

**Ord. No. 741-14.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to apply, accept, and expend a grant from the Ohio Development Services Agency for the 2014 State Home Weatherization Assistance Program; authorizing the Director of Community Development to enter into an agreement with Cuyahoga County and/or municipalities within Cuyahoga County to provide weatherization assistance; and to enter into contracts necessary to implement the program.**

Whereas, the State of Ohio, has received Home Weatherization Assistance Program (HWAP) funds awarded by the Department of Energy and the Department of Health and Human Services; and

Whereas, the Ohio Development Services Agency, Office of Community Assistance has selected the City of Cleveland to provide weatherization services to the residents of Cuyahoga County; and

Whereas, under Ohio Revised Code Section 307.15, the City of Cleveland and Cuyahoga County are authorized to enter into agreements to render services on behalf of each other and the City and County wish to use this authority to provide HWAP services County-wide; and

Whereas, under Ohio Revised Code Section 9.482, the City of Cleveland and other municipalities are authorized to enter into agreements to render services on behalf of each other; and

Whereas, contracts with individual landlords, tenants, contractors, non-profit organizations, and Cuyahoga County to provide weatherization assistance to low-income residents of Cuyahoga County are needed to implement the 2014 Home Weatherization Assistance 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 Community Development is authorized to apply for, accept, and expend a grant in the approximate amount of \$3,133,590, and any other funds that may become available during the grant term from the Ohio Development Services Agency to conduct the 2014 State Home Weatherization Assistance Program ("HWAP"); 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. 741-14-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 Development is authorized to enter into an agreement with Cuyahoga County, in accordance with ORC §307.15, to provide HWAP services throughout Cuyahoga County.

**Section 4.** That the Director of Community Development is authorized to enter into contracts with individual landlords, tenants, contractors, various non-profit organizations, and Cuyahoga County to provide weatherization assistance to low-income residents of Cuyahoga County through the 2014 Home Weatherization Assistance Program.

**Section 5.** That, in the event that the County does not enter into the agreement described in Section 3, in accordance with the authority of ORC §9.482, the Director of Community Development is authorized to enter into an agreement with each municipality within Cuyahoga County that wants to obtain HWAP services from the City.

**Section 6.** That the agreements and contracts shall be prepared by the Director of Law and shall contain such provisions to protect the interests of the City as the Director of Law

and the Director of Community Development shall require.

**Section 7.** That the costs of these contracts and administrative costs shall be paid from the fund or funds which are credited the grant proceeds accepted under the ordinance.

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

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

**Ord. No. 742-14.**

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

**An emergency ordinance to amend Ordinance Nos. 912-07, 606-12, and 1099-13, as amended and enacted by various ordinances, relating to the 2006 Bridge Maintenance Program, professional services for material testing and general engineering services, and the resurfacing of West 130th Street, to add additional funding sources.**

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 4 of Ordinance No. 912-07, passed June 11, 2007, as amended by Ordinance Nos. 637-08, passed June, 9, 2008, Ordinance No. 455-09, passed June 8, 2009, Ordinance No. 678-11, passed June 6, 2011, Ordinance No. 609-12, passed June 4, 2012, and Ordinance No. 730-13, passed May 20, 2013, is amended to read as follows:

**Section 4.** That the cost of the contract authorized shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, **20 SF 554, and from the fund or funds to which are credited the proceeds of the sale of the bonds of the City of Cleveland authorized by Ordinance No. 497-14, passed April 21, 2014,** if the City sells such bonds and any other funds approved by the Director of Finance, Requests No. 173280 and 175533.

**Section 2.** That existing Section 4 of Ordinance No. 912-07, passed June 11, 2007, as amended by Ordinance Nos. 637-08, passed June, 9, 2008, Ordinance No. 455-09, passed June 8, 2009, Ordinance No. 678-11, passed June 6, 2011, Ordinance No. 609-12, passed June 4, 2012, and Ordinance No. 730-13, passed May 20, 2013, is repealed.

**Section 3.** That Section 4 of Ordinance No. 606-12, passed June 4, 2012, is amended to read as follows:

**Section 4.** That the cost of the services authorized shall be paid from the fund or funds to which are credited the proceeds of the sale of the bonds of the City of Cleveland authorized by Ordinance No. 497-14, passed April 21, 2014.

**Section 4.** That existing Section 4 of Ordinance No. 606-12, passed June 4, 2012, is repealed.

**Section 5.** That Section 18 of Ordinance No. 1099-13, passed November 11, 2013, is amended to read as follows:

**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 the proceeds of the sale of the bonds of the City of Cleveland authorized by Ordinance No. 497-14, passed April 21, 2014.

**Section 6.** That Section 18 of Ordinance No. 1099-13, passed November 11, 2013, is repealed.

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

Referred to Directors of Capital Projects, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 743-14.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Cuyahoga County Corrections Planning Board for the 2014-15 Domestic Intervention, Education & Training 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 Finance, on behalf of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$218,360, and any other funds that become available during the grant term, from the Cuyahoga County Corrections Planning Board to conduct the 2014-15 Domestic Intervention, Education & Training (D.I.E.T.) 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 CCA Application 2015 for the grant contained in the file described below.

**Section 2.** That the CCA Application 2015 description for the grant, File No. 743-14-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Chief Probation Officer is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

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

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

**Ord. No. 744-14.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the Director of Public Works, for a period of one year.**

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

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

**Section 1.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, in the estimated sum of \$6,680,500, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

**2014 Capital Vehicle Plan  
Description of Equipment**

| Item Number | Item Description                 | Division          | Quantity | Estimated Cost | Extended Estimated Cost |
|-------------|----------------------------------|-------------------|----------|----------------|-------------------------|
|             | <b>General Fund</b>              |                   |          |                |                         |
|             | TRUCKS HEAVY(A)-Automated        | WASTE COLLECTION  | 8        | \$299,000      | \$2,392,000             |
|             | AUTO/LIGHT TRUCK                 | MVM-POOL VEHICLES | 10       | \$19,400       | \$194,000               |
|             | LIGHT TRUCK (A)                  | *MVM              | 5        | \$38,000       | \$190,000               |
|             | TRUCKS-HEAVY(B) Single Axle Dump | STREETS           | 1        | \$165,000      | \$165,000               |
|             | TRUCKS-HEAVY(C) Tandem Axle Dump | STREETS           | 1        | \$190,000      | \$190,000               |
|             | FIELD MAINTENANCE EQUIPMENT      | Recreation        | 1        | \$7,000        | \$7,000                 |
|             | BUS-PASSENGER                    | Recreation        | 1        | \$90,000       | \$90,000                |
|             | TRUCK-AERIAL W/CHIPPER BODY      | Park Maintenance  | 1        | \$195,500      | \$195,500               |
|             | CHIPPER                          | Park Maintenance  | 1        | \$46,000       | \$46,000                |
|             | ATTACHMENTS                      | Park Maintenance  | Misc     | \$100,000      | \$100,000               |
|             | RIDING MOWERS                    | Park Maintenance  | 3        | \$14,000       | \$42,000                |
|             | STREET SWEEPER                   | WSM               | 1        | \$120,000      | \$120,000               |
|             | LIFT TRUCK                       | WSM               | 1        | \$35,000       | \$35,000                |
|             | POLICE UNITS                     | Police            | 30       | \$35,000       | \$1,050,000             |
|             | MOTORCYCLE                       | Police            | 5        | \$20,000       | \$100,000               |
|             | PUMPER (A)                       | Fire              | 2        | \$355,000      | \$710,000               |
|             | PUMPER (B)                       | Fire              | 1        | \$375,000      | \$375,000               |
|             | SUV                              | Fire              | 2        | \$40,000       | \$80,000                |
|             | PASSENGER CAR                    | Fire              | 3        | \$21,000       | \$63,000                |
|             | AMBULANCES                       | EMS               | 2        | \$248,000      | \$496,000               |
|             | SUV                              | EMS               | 1        |                | \$40,000                |
|             |                                  |                   |          | <b>Total</b>   | <b>\$6,680,500.00</b>   |

Bids shall be taken in such manner as to permit 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 a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the proceeds from the sale of bonds authorized by Ordinance No. 499-14, passed April 21, 2014 and 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 7015, RL 2014-29)

**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 Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Referred to Directors of Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 745-14.**

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

**An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality; authorizing the director to enter into one or more contracts for various services, equipment and supplies, and contracts with various agencies or entities necessary to operate the Division of Air Quality; determining the method of constructing, rehabilitating, renovating, replacing, or otherwise improving air monitoring sites and other similar structures on city-owned and city-leased property; and authorizing the director to enter into one or more contracts to construct the improvement to design it.**

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

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

**Section 1.** That the Director of Public Health is authorized to accept a grant in the approximate amount of \$2,872,664, and any other funds that become available during the grant term, from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality in accordance with the purposes set forth in the summary; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 745-14-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 sum of \$393,000, payable from funds appropriated in 2015 for this purpose, in order to receive the grant from the Ohio Environmental Protection Agency, as a pass-through from the U.S. Environmental Protection Agency, is approved in all respects, and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health 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 the grant period of the necessary items of materials, equipment, services, and supplies needed as described in the file, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Air Quality, Department of Public Health. 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 grant 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 4.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 5.** That the Director of Public Health is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items during the term of the grant: various types of monitoring equipment, OEPA-required equipment and their associated parts, and other materials, equipment, supplies, and services needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Air Quality, Department of Public Health.

**Section 6.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving air monitoring sites and other similar structures on City-owned and City-leased property (the "Improvement"), for the Division of Air Quality, Department of Public Health, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

**Section 7.** That the Director of Public Health is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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 on a unit basis.

**Section 8.** That the Director of Public Health is authorized to employ by contract or contracts one or more consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant.

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

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

**Section 9.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Health 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 10.** That the Director of Public Health is authorized to enter into one or more contracts with and make payments to one or more various entities or agencies to implement the grant as described in the file.

**Section 11.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 12.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

**Section 13.** That the payments and cost of the contracts authorized IN this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and from the cash match.

**Section 14.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 746-14.**

**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 Cuyahoga County to create a SBA Muni-County Supplemental Equity Pool; and authorizing the director to enter into one or more contracts with Cuyahoga County and various small businesses 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 \$500,000, from Cuyahoga County to create a SBA Muni-County Supplemental Equity Pool to make loans or grants to assist small businesses with 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 summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 746-14-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 amount of \$500,000, payable from Fund No. 17 SF 006, is approved in all respects, and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts with Cuyahoga County for the creation of the pool of funds and the criteria to operate the SBA Muni-County Supplemental Equity Pool.

**Section 4.** That the Director of Economic Development is authorized to enter into one or more contracts with various small businesses to provide loans or grants in amounts not to exceed \$60,000 under the SBA Muni-County Supplemental Equity Pool for eligible projects.

**Section 5.** That the terms of the loans or grants shall be according to the terms set forth in the file.

**Section 6.** 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 7.** 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 8.** That the contracts and other appropriate documents needed to complete the transactions authorized by this legislation shall be prepared by the Director of Law.

**Section 9.** 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 10.** 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 11.** 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 12.** 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 13.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 747-14.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Westside Industrial Retention and Expansion Network to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with The Westside Industrial Retention and Expansion Network ("WIRE-Net") to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative ("CIRI").

**Section 2.** That the costs of the grant shall not exceed \$400,000 and shall be paid from Fund No. 17 SF 652, Request No. RQS 9501, RL 2014-73.

**Section 3.** That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

**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 Development Planning and Sustainability, Finance.

**Ord. No. 748-14.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance to terminate Contract No. PS 2013-014 with Recovery Resources, Inc. and to enter into contract with Moore Counseling and Mediation Services, Inc. to provide services under the Substance Abuse and Mental Health Services Administration grant.**

Whereas, under Ordinance No. 1247-12, passed October 3, 2012, this Council authorized the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with Recovery Resources, Inc., Contract No. PS 2013-14; and

Whereas, Recovery Resources, Inc. has been unable to timely fulfill its contractual obligations yet the services they were to provide under their contract are still necessary; 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 Contract No. PS 2013-014 with Recovery Resources, Inc. is terminated.

**Section 2.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with Moore Counseling and Mediation Services, Inc. to fulfill the obligations of Recovery Resources, Inc. to provide services under the Substance Abuse and Mental Health Services Administration grant.

**Section 3.** The costs of the contract authorized with Moore Counseling and Mediation Services, Inc. shall be paid from the fund or funds authorized and appropriated for that use.

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

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

**Ord. No. 749-14.**

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

**An emergency ordinance authorizing the Directors of Finance and Public Safety to enter into one or more requirement contracts without competitive bidding with the Department of Mental Health and Addiction Services for pharmaceutical supplies, services and equipment, for the various divisions of City government, for a period not to exceed one year, with an option to renew for one additional year, exercisable by the Directors of Finance and Public Safety.**

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

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

**Section 1.** That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than the Department of Mental Health and Addiction Services ("OhioMHAS"). Therefore, the Directors of Finance and Public Safety are authorized to



make one or more written requirement contracts with OhioMHAS, for the requirements for a period not to exceed one year, with an option to renew for one additional year, exercisable by the Directors of Finance and Public Safety, of the necessary items of pharmaceutical supplies, services and equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the various divisions of City government.

**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 1505, RL 2014-27)

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

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

**Ord. No. 750-14.**

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

**An emergency ordinance to amend Section 1 of Ordinance 1070-12, passed September 24, 2012, as amended by Ordinance No. 844-13, passed September 30, 2013, relating to an Option to Lease Agreement with Geis Construction, Inc. for an area known as the Burke Development District to market the district for future development.**

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

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

**Section 1.** That Section 1 of Ordinance No. 1070-12, passed September 24, 2012, as amended by Ordinance No. 844-13, passed September 30, 2013, is amended to read as follows:

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into an Option to Lease Agreement with Geis for the property known as the Burke Development District which is approximately 20 acres and is bounded by East 9th Street and Lake Erie to the west, the Burke Lakefront Airport terminal to the north, the Cleveland Air Races Memorial to the east, and the Cleveland Memorial Shoreway to the south, and is depicted on the map placed in File No. 1070-12-A. A copy of the approved legal description will be placed in the file when it is obtained. The term of the Option to Lease Agreement shall be a period of one year, which term shall begin on the effective date of the executed Agreement or no later than ninety (90) days of receipt of the Land Release from the FAA for the subject property, with one option to extend the Option to Lease Agreement for an additional year, exercisable by the Director of Port Control.

**Section 2.** That existing Section 1 of Ordinance No. 1070-12, passed September 24, 2012, as amended by Ordinance No. 844-13, 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 Port Control, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 751-14.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of turnout gear and hoses, nozzles and fittings, for the Division of Fire, Department of Public Safety, for a term of one-year, with a one-year option to renew exercisable by the Director of Public Safety.**

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

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

**Section 1.** That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period, with a one-year option to renew, exercisable by the Director of Public Safety, of the necessary items of turnout gear and fire hoses, nozzles and fittings, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Fire, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be paid from Fund No. 20 SF 559 and 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 6001, RL 2014-30)

**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 Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 4.** That this ordinance is declared to be an emergency measure

and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 752-14.**

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

**An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. 20130000070 with Perk Company, Inc. for the Year 2013 Concrete Requirements by City Ward, a part of which is improvements to West 117th Street, for the Mayor's Office of Capital Projects.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to make the following alterations and modifications in Contract No. 20130000070 with Perk Company, Inc. for the Year 2013 Concrete Requirements by City Ward, a part of which is improvements to West 117th Street, for the Mayor's Office of Capital Projects:

**Estimated Subsidiary Additions**

1. 11" Full-depth Pavement Removal and Replacement (spot roadway repair)
  2. 11" Non-reinforced Concrete Pavement (roadway replacement)
- Total Estimated Subsidiary Additions: \$1,300,000

|                         |                       |
|-------------------------|-----------------------|
| Original Estimated      |                       |
| Contract Amount         | \$3,687,251.00        |
| Total Estimated         |                       |
| Subsidiary Additions    | + 1,300,000.00        |
| <b>TOTAL ESTIMATED</b>  |                       |
| <b>REVISED CONTRACT</b> |                       |
| <b>AMOUNT</b>           | <b>\$4,987,251.00</b> |

which alteration has been recommended in writing by the Director of Capital Projects, countersigned by the Mayor, and consented to by the surety on the contract, which estimated price to be paid has been agreed upon in writing and signed by the Director of Capital Projects and the contractor. This alteration will cause an increase in the amount of the original contract in the estimated sum of \$1,300,000 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

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

Referred to Directors of Capital Projects, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 753-14.**

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

**An emergency ordinance determining the method of making the public improvement of reconstructing the East Stadium Bridge; authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing professional services for design; authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property; authorizing the Director to apply for and accept gifts and grants from any public or private entity; authorizing the Director to enter into any agreements to implement this ordinance; authorizing the Director to accept cash contributions; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the County portion 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of reconstructing the East Stadium Bridge over CSX Railroad, Norfolk Southern Railroad, and the Greater Cleveland Regional Transit Authority (the "Improvement"), for the Department of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

**Section 2.** That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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 on a unit basis.

**Section 3.** That the Director of Capital Projects 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 Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

**Section 5.** 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 for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

**Section 6.** That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property.

**Section 7.** 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; and that the funds are appropriated for the purposes described in this ordinance.

**Section 8.** That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, 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 9.** That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement described in this ordinance.

**Section 10.** That the Director of Capital Projects is authorized to accept a cash contribution from public or private entities for the improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 11.** That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the improvement.

**Section 12.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

**Section 13.** That the Director of Capital Projects is authorized to apply to the County for use of 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 and use the funds; and that the funds are appropriated for the purposes described in this ordinance.

**Section 14.** That the cost of the Improvement, contracts, property acquisition, or other expenditure authorized in this ordinance shall be paid from the fund or funds to which are credited the proceeds of the sale

of bonds authorized by Ordinance No. 497-14, passed April 14, 2014, if the City sells such bonds, from the fund or funds to which are credited any cash contribution, payment, grant, or gift accepted under this ordinance, and any funds approved by the Director of Finance for this purpose.

**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 Capital Projects, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 754-14.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various projects under the current Information Technology Capital Strategic Plan, including but not limited to, software and application acquisition, project management, design, installation, implementation, integration, testing, training and other related issues; and to enter into various written standard purchase and requirement contracts for materials, equipment, supplies, and services needed to implement this ordinance.**

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

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

**Section 1.** That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement various projects under the current Information Technology Capital Strategic Plan, which includes but is not limited to, updating, upgrading and improving computers, peripheral ancillary devices, system enhancements, communications and network infrastructures and administration, City-wide applications needed for the Citizen's Call Center, Upgrade Data Center Core Room to include but not limited to: Back-up and Computer Environment Upgrade, Storage Area Networks and Core Switch Upgrade, Desktop Computer Upgrades, Share-Point Upgrade, Mobile Data Management and the VoIP Telephone System Upgrades.

**Section 2.** That the Director of Finance is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to acquire one or more software licenses and city-wide applications necessary

to effectuate the purposes of this ordinance, including but not limited to, Windows 7 and Office 2010, which are not obtained under a professional services contract authorized in this ordinance.

**Section 3.** The selection of the consultants, computer software developers, or vendors for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants, computer software developers, or vendors available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

**Section 4.** That the Director of Finance is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services necessary to effectuate the purposes of this ordinance and which are not obtained under a professional services contract authorized in this ordinance, including labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

**Section 5.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 6.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 7.** That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 11 SF 006, Request No. RQS 1511, RL 2014-72.

**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 Finance, Law; Committee on Finance.

**Ord. No. 755-14.  
By Council Members Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to enter into an Option to Purchase Agreement with Ohio City, Inc. or its designee, in connection with the sale of City-owned property at 1960 West 26th Street.**

Whereas, the City of Cleveland owns certain property located at 1960 West 26th Street, which is not needed for the City's use; 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 in the event other parties do not exercise the option to purchase City-owned property located at 1960 West 26th Street, comprising Permanent Parcel Nos. 003-38-030, 003-38-034, 003-38-035, and 003-38-049 ("City Lots") under an Option to Purchase Agreement, then notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to enter into an Option to Purchase Agreement with Ohio City, Inc. or its designee for the sale of the City Lots. That the consideration paid for the Option to Purchase Agreement by Ohio City, Inc. shall be a price determined to be fair market value by the Board of Control.

**Section 2.** That the Commissioner of Purchases and Supplies is authorized to convey the City Lots described above to Ohio City, Inc. or its designee, under the Option to Purchase Agreement, at a price determined to be fair market value by the Board of Control, taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deeds of conveyance.

**Section 3.** That a summary of the Option to Purchase Agreement is placed in File No. 755-14-A.

**Section 4.** That the Option to Purchase Agreement shall be prepared by the Director of Law.

**Section 5.** That the conveyance shall be made by an official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 6.** That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with Ohio City, Inc. or its designee for the acquisition, disposition and private redevelopment of the property described in this ordinance.

**Section 7.** That the proceeds from the sale of the property shall be deposited into Fund No. 14 SF 040.

**Section 8.** That the proceeds from the Option to Purchase Agreement

shall be deposited into Fund No. 17 SF 634.

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

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

**Ord. No. 756-14.**

**By Council Member Zone.**

**An emergency ordinance authorizing the Director of Economic Development to enter into one or more agreements with Samco Properties, Ltd., for the exchange of properties located in an area bounded by West 117th Street to the West, Lake Avenue to the East, West 116th Street to the West, and Clifton Boulevard to the South.**

Whereas, under Ordinance No. 467-14 this Council authorized the demolition and/or deconstruction of City-owned property located at the intersection of West 117th Street and Lake Avenue, Cleveland, Ohio being PPN 001-21-011 and known as the former Fifth Church of Christ, Scientist ("Former Church Property") subject to approval of the City of Cleveland Landmarks Commission ("Landmarks Commission"); and

Whereas, on May 22, 2014, the Landmarks Commission passed a resolution approving the issuance of a Certificate of Appropriateness for deconstruction, documentation, salvage, and demolition of the Fifth Church of Christ, Scientist structure; and

Whereas, the City of Cleveland also owns a certain vacant property located at 1227 West 116th Street, Cleveland, Ohio, and known as PPN 001-21-089 ("City Lot"); and

Whereas, Samco Properties, Ltd. ("Samco"), an affiliate of Carnegie Companies, Inc., owns certain property located at the intersection of Lake Avenue and West 116th Street, Cleveland, Ohio with a north-south depth of not more than 66 feet nine inches (the "Samco Property") being a portion of PPN's 001-21-012 and 001-21-013; and

Whereas, Samco proposes to complete a "Retail Development" defined as a shopping center consisting of a two-story grocery store with an area of approximately 31,000 square feet; a single-story retail building with an area of approximately 8,400 square feet; approximately 120 parking spaces for customers and employees; and a design approved by the Cleveland Landmarks Commission; and

Whereas, the City of Cleveland wishes to enter into one or more agreements with Samco in order to exchange the Southerly portion of the Former Church Property and the City Lot (jointly the "City Property"), for the Samco Property in order to facilitate a comprehensive redevelopment of the area bordered by Lake Avenue, West 117th Street, Clifton Boulevard, and West 116th Street; and

Whereas, the agreements, among other things, will contain provisions that Samco will complete the redevelopment of the site including adjacent Samco-owned property into the Retail Development; 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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development and the Commissioner of Purchases and Supplies are authorized to enter into one or more agreements for and on behalf of the City of Cleveland with Samco Properties, Ltd., for the exchange, development, and maintenance of Samco-owned property located at the intersection of Lake Avenue and W. 116th Street, Cleveland, Ohio and with a north-south depth of not more than 66 feet nine inches consisting of approximately .2206 acres ("Samco Property"), and to transfer fee title to the City of Cleveland the Samco Property more fully described as follows:

**Samco Properties, LTD. to the City of Cleveland, being a portion of P.P.N.'s 001-21-012 and 001-21-013**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Parcel 5 and 6 conveyed to Samco Properties, LTD. by deed in Volume 97-0090, Page 20 through 23 of Cuyahoga County Records and being a portion of Sublots Numbers 4, 5 and 6 in the Cook and Faerber Re-Subdivision of part of Original Brooklyn Township Lot Number 10 as shown in Volume 32 of Maps, Page 18 of Cuyahoga County Records, further described as follows:

Beginning at the intersection of the South right of way of Lake Avenue N.W. (100.00 feet wide) and the West right of way of West 116th Street (60.00 feet wide) also being the N.E. corner of Sublot 6 in said Cook and Faerber Re-Subdivision;

Thence S 0°13'56" W along the West right of way of said West 116th Street also being the East line of Sublot 6 in said Cook and Faerber Re-Subdivision 66.75 feet to a point;

Thence N 76°57'05" W 147.90 feet to its intersection with West line of Sublot 4 in said Cook and Faerber Re-Subdivision;

Thence N 00°13'15" W along the West line of Sublot 4 in said Cook and Faerber Re-Subdivision 66.75 feet to a point on the South right of way of said Lake Avenue N.W., also being the N.W. corner of Sublot 4 in said Cook and Faerber Re-Subdivision;

Thence S 76°57'00" E along the South right of way of said Lake Avenue N.W. 147.88 feet to the N.E. corner of Sublot 6 in said Cook and Faerber Re-Subdivision and the principle place of beginning.

Containing within said bounds 9607.88 Square Feet, 0.2206 Acres as described by Gregory J. Esber, Professional Surveyor, Number 7741, City of Cleveland, Survey Department, be the same more or less and subject to all legal highways.

**Section 2.** That the agreement or agreements shall also provide for the conveyance by the City to Samco, or its affiliate, of the southerly portion of the Former Church Property consisting of approximately .3785 acres and the City Lot located at 1227 West 116th Street, Cleveland, Ohio, known as PPN 001-21-089 (jointly the "City Property") and more fully described as follows:

**City of Cleveland to Samco Properties, LTD. being a portion of P.P.N. 001-21-011**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Sublots Numbers 1, 2 and 3 in the Cook and Faerber Re-Subdivision of part of Original Brooklyn Township Lot Number 10 as shown in Volume 32 of Maps, Page 18 of Cuyahoga County Records, conveyed to the City of Cleveland by deed in A.F.N. 200209180836 of Cuyahoga County Records further described as follows:

Beginning at the intersection of the South right of way of Lake Avenue N.W. (100.00 feet wide) and the East right of way of West 117th Street (80.00 feet wide) also being the N.W. corner of Sublot 1 in said Cook and Faerber Re-Subdivision;

Thence S 00°12'10" E along said East right of way of West 117th Street also being the west line of Sublot 1 in said Cook and Faerber Re-Subdivision 66.75 feet to a point and the principle place of beginning;

Thence S 76°57'05" E 150.07 feet to a point intersection with the West line of Sublot 4 in said Cook and Faerber Re-Subdivision;

Thence S 00°13'15" E along the West line of Sublot 4 in said Cook and Faerber Re-Subdivision 112.80 feet to a point being the S.W. corner of Sublot 4 in said Cook and Faerber Re-Subdivision;

Thence N 76°59'43" W along the South line of Sublot 3, 2 and 1 in said Cook and Faerber Re-Subdivision 150.08 feet to a point of intersection with said East right of way of West 117th Street also being the S.W. corner of Sublot 1 in said Cook and Faerber Re-Subdivision;

Thence N 00°12'10" W along East right of way of said West 117th Street also being the West line of Sublot 1 in said Cook and Faerber Re-Subdivision 112.91 feet to a point and the principle place of beginning;

Containing within said bounds 16486.72 Square Feet, 0.3785 Acres as described by Gregory J. Esber, Professional Surveyor, Number 7741, City of Cleveland, Survey Department, be the same more or less and subject to all legal highways.

**City of Cleveland to Samco Properties, LTD. being P.P.N. 001-21-089**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in the Cook and Faerber Re-Subdivision of a part of Original Brooklyn Township Lot No. 10, as shown by the recorded plat in Volume 32 of Maps, Page 18 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 116th Street (formerly Fruitland Avenue), and extending back of equal width 145.82 feet, as appears by said plat.

which property is determined to be no longer needed for public use.

**Section 3.** That the agreement or agreements authorized above shall be prepared by the Director of Law.

**Section 4.** That, notwithstanding and as an exception to Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the property described in Section 1 of this ordinance for the public purpose of redevelopment.

**Section 5.** That the Director of Economic Development is authorized to execute on behalf of the City all necessary documents to acquire the property described in Section 1 and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

**Section 6.** That the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 2 to Samco, or its affiliate, by official deed prepared by the Director of Law and signed by the Mayor, which deed will include such restrictive reversionary interests as may be specified by the Director of Economic Development, Director of Law, or Board of Control and shall specifically contain a provision against the erection of any advertising signs or billboards, excepting permitted identification signs, in exchange for the Samco Property described in Section 1 and an additional amount equal to the difference in fair market value as determined by the Board of Control to be paid to the City plus other consideration determined to be fair market value.

**Section 7.** That the proceeds of the sale shall be deposited in ICLB Fund No. 17 SF 965.

**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, City Planning Commission, Finance, Law; Committees on Development Planning and Sustainability, Finance.

**Ord. No. 757-14.**

**By Council Member Zone.**

**An emergency ordinance authorizing the Director of Economic Development to enter into a development agreement with Brickhaus Partners, LLC, or an assignee controlled by Brickhaus Partners, LLC, for the sale and redevelopment of certain parcels owned or to be owned by the City located in the area bounded by West 117th Street to the West, the front or northerly property line of parcels on the South Side of Lake Avenue, and West 116th Street to the East.**

Whereas, the City submitted a Request for Proposals for the redevelopment of the northerly portion of City-owned property, known as the former Fifth Church of Christ, Scientist located at the intersection of West 117th Street and Lake Avenue ("Former Church Property") and property to be acquired by the City located next to the Former Church Property on the Southerly Side of Lake Avenue between West 117th Street and West 116th Street, Cleveland, Ohio (jointly the "City Property"); and

Whereas, Brickhaus Partners, LLC ("Redeveloper") proposes to build, facing Lake Avenue, an approximately eleven-unit for-sale townhouse development that will include a pocket park open to the public, the reuse of materials reclaimed from the former Fifth Church of Christ, Scientist structure; the installation of public art; adherence to Enterprise Green

Communities standards; and, a design approved by the Cleveland Landmarks Commission (hereinafter referred to as "Townhouse Development"); and

Whereas, the Director of Economic Development has requested the sale of City-owned parcels no longer needed for public use to Redeveloper, or an assignee controlled by Redeveloper, to develop the parcels in accordance with the proposal; 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 Economic Development is authorized to enter into a development agreement with the Redeveloper, or an assignee controlled by Redeveloper, for the acquisition, disposition, and private redevelopment of the northerly portion of the former Fifth Church of Christ, Scientist property located at the intersection of West 117th Street and Lake Avenue, Cleveland, Ohio and property to be acquired by the City located next to the Former Church Property on the Southerly Side of Lake Avenue between West 117th Street and West 116th Street, Cleveland, Ohio (jointly the "City Property") more fully described in File No. 757-14-A attached to this Ordinance and known as Site D.

**Section 2.** That the development agreement will include the Townhouse Development and may not be changed without additional legislative authority.

**Section 3.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the properties described in Section 1 of this ordinance are no longer needed for public use.

**Section 4.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described City Property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests, and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 5.** That the conveyance shall be made by Official Quitclaim Deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which will protect the City and must specifically contain a provision against the erection of any advertising signs or billboards, excepting permitted identification signs.

**Section 6.** That the proceeds of the sale shall be deposited in ICLB Fund No. 17 SF 965.

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

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

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

**Ord. No. 773-14.**  
**By Council Members K. Johnson and Kelley (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of reconstructing Old Pearl Road Bridge over Big Creek; authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing professional services for design; authorizing the Commissioner of Purchases and Supplies to acquire real property for right-of-way purposes; authorizing the Director to apply for and accept gifts or grants, and apply for and receive loans from any public or private entity; authorizing any agreements; and authorizing the Director to accept cash contributions; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the County portion of the improvement; and giving consent of the City of Cleveland to the County of Cuyahoga to participate in the cost 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of reconstructing Old Pearl Road Bridge over Big Creek (the "Improvement"), for the Department of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

**Section 2.** That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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 on a unit basis.

**Section 3.** That the Director of Capital Projects 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 Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from

a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

**Section 5.** 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 for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

**Section 6.** That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property.

**Section 7.** 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; and that the funds are appropriated for the purposes described in this ordinance.

**Section 8. Consent.** 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 participate in the cost of construction of the Improvement.

**Section 9. Cooperation**

a. That the County and the City will cooperate in the Improvement.

b. That the City will prepare construction plans and specifications, including necessary engineering reports for the Improvement, under current Cuyahoga County standards for construction of County roads and bridges.

c. That the City will arrange for the supervision and administration of the construction contract.

d. That the County will review the construction plans for conformance with section 2b of this ordinance. County approval of plans and specifications is required prior to the award of the construction contract. The Council will make an inspection of the completed project.

e. That the City shall agree to provide the County with a complete set of as-built plans upon the completion of this project.

**Section 10. Funding**

a. That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

b. That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this ordinance.

c. That within the corporate limits of the City, the City shall contribute the balance of the non-federal share of the cost of construction, above the

maximum County contribution and one-hundred percent (100%) of the cost of preparation of plans and specifications, construction supervision, right-of-way, and incidentals.

**Section 11. Maintenance.** That upon completion of the Improvement, the City will:

a. Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance; and

b. Maintain the right-of-way and keep it free of obstructions 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 right-of-way limits;

c. That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

d. After construction of the Improvement is complete, the City agrees to 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.

**Section 12. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

a. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code; and

b. That the street or highway shall be and is designated a through highway as provided in division (A) (6) of Section 4511.07 of the Revised Code; and

c. That stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection 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 above-mentioned Manual are met; and

d. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure 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; and

e. The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 13. Right-of-Way**

a. That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

b. That in the event any additional right-of-way is required, the City will arrange for the acquisition.

**Section 14. Utilities**

a. That the City will make arrangements with and obtain arrangements

from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary arrangements immediately after notification by the City.

b. 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 Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

c. That it is agreed that the City shall, at its own expense, make all arrangements of governmentally-owned utilities and/or appurtenances thereto 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.

d. That the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor 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.

**Section 15. Miscellaneous**

a. That if the City includes the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the City agrees to pay, or make arrangements for the payment of, the cost of the additional construction, the cost of preliminary and design engineering, and construction supervision.

b. For matters relating to this Improvement, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

c. That, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

**Section 16.** That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

**Section 17.** That the Director of Capital Projects is authorized to enter into agreements with the County necessary to complete the Improvement.

**Section 18.** That the Director of Capital Projects is authorized to apply for and accept one or more loans from the Ohio Public Works Commission to

partially finance the Improvement. The Director is authorized to enter into loan agreements with the lender; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the loan; and that the funds are appropriated for the purposes described in this ordinance. Upon execution of the loan agreements, the Director of Capital Projects is authorized to repay the loan funds under the terms and conditions of the loan agreement, from the fund or funds deemed appropriate by the Director of Finance.

**Section 19.** That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, 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 20.** That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement described in this ordinance.

**Section 21.** That the Director of Capital Projects is authorized to accept a cash contribution from public or private entities for the improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 22.** That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the improvement.

**Section 23.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

**Section 24.** That the Director of Capital Projects is authorized to apply to the County for use of 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 and use the funds; and that the funds are appropriated for the purposes described in this ordinance.

**Section 25.** That the cost of the Improvement, contracts, property acquisition, or other expenditure authorized in this ordinance shall be paid from the fund or funds to which are credited the proceeds of the sale of bonds authorized by Ordinance No. 497-14, passed April 14, 2014, if the City sells such bonds, from the fund or funds to which are credited any cash contribution, payments, loans, grants, or gifts accepted under this ordinance, and any funds approved by the Director of Finance for this purpose.

**Section 26.** 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 Municipal Services and Properties, Finance.

**Ord. No. 791-14.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to the Agreement with Flats East Development to implement the Flats East Bank Project, including the relating Guaranty (Debt Service Reserve and Completion) document and any other related document as necessary; and authorizing an amendment to the agreement with the United States Department of Housing and Urban Development relating to their HUD 108 financing of the Project, and any other related document as necessary, to change certain terms of the agreements to allow flexibility with respect to the borrower's collateral.

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an amendment to the Agreement with Flats East Development LLC (the "Borrower") to implement the Flats East Bank Project, including amending the relating Guaranty (Debt Service Reserve and Completion) document and any other related document as necessary to effectuate this amendment to allow flexibility with respect to the Borrower's collateral, as authorized by Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, Ordinance No. 1471-10, passed November 8, 2010, and Ordinance No. 651-13, passed May 20, 2013.

**Section 2.** That the Director of Economic Development is authorized to enter into an amendment to the agreement with the United States Department of Housing and Urban Development for the financing of the Flats East Bank Project with Flats East Development, as authorized by Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, Ordinance No. 1471-10, passed November 8, 2010, and Ordinance No. 651-13, passed May 20, 2013, and to amend any other related document as necessary to effectuate this amendment to allow flexibility with respect to the Borrower's collateral.

**Section 3.** That the amendments authorized in Section 1 and 2 of this ordinance, including the amendment to the Guaranty (Debt Service Reserve and Completion) document ("Amendments") shall conform to the terms and conditions placed in File No. 791-14-A, and that this file supercedes all previous files referenced in the Ordinances listed in Sections 1 and 2 of this ordinance.

**Section 4.** That the Amendments shall be prepared by the Director of Law.

**Section 5.** That the Debt Service Reserve and Completion shall be paid from Fund No. 17 SF 010, RQS 9501, RL 2014-82.

**Section 6.** 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 Development Planning and Sustainability, Finance.

**FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 738-14.**  
**By Council Member Kelley (by departmental request).**

An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2015 and submit it to the County Budget Commission as required by State Law, Chapter 5705 of the Revised Code.

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 the Council, under the provisions of Chapter 5705 of the Revised Code, after public hearings as required by law, does adopt the statements of the year 2015 requirements for the several funds of the City of Cleveland as being the budget required by state law to be submitted to the County Budget Commission, which requirements are contained in File No. 738-14-A.

**Section 2.** That the Clerk of Council is directed to certify a copy of the resolution to the County Auditor of Cuyahoga County.

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

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

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

**Ord. No. 761-14.**  
**By Council Member Brancatelli.**  
**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with The First Tee of Cleveland for the Golf Education and After-School Program through the use of Ward 12 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 Community Development is authorized to enter into an agreement with The First Tee of Cleveland for the Golf Education and After-School Program for the public purpose of providing after-school education and golf recreational activities for city of Cleveland youth through the use of Ward 12 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,000 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 762-14.**  
**By Council Member Cimperman.**  
**An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with Flats Forward Inc. for the Flats Redevelopment Master Plan Project through the use of Ward 3 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 City Planning Commission is authorized to enter into an agreement with Flats Forward Inc., for the Flats Redevelopment Master Plan for the public purpose of promoting residential and commercial development in the Flats District in the city of Cleveland through the use of Ward 3 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 763-14.**  
**By Council Member Zone.**  
**An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with the Gordon Square Arts District LLC for the Gordon Square Arts District Master Plan project through the use of Ward 15 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 City Planning Commission is authorized to enter into an agreement with the Gordon Square Arts District LLC for the Gordon Square Arts District Master Plan Project for the public purpose of providing a master plan

for the future physical and artistic development to the Gordon Square Arts District thus promoting commercial and residential growth in the city of Cleveland through the use of Ward 15 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$25,000 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 764-14.**

**By Council Member Mitchell.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Senior Outreach Services, Inc for the Senior Health Promotion and Socialization Program through the use of Ward 6 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development is authorized to enter into an agreement with Senior Outreach Services, Inc., for the Senior Health Promotion and Socialization Program for the public purpose of providing healthy life style education and socializing activities for senior residents residing in the city of Cleveland through the use of Ward 6 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,000 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 765-14.**

**By Council Members Cimperman and Zone.**

**An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Triathlon, on July 27, 2014, sponsored by Pacific Sports LLC.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Triathlon, on July 27, 2014, Start/Finish at Voinivich Park; Swim Course—in North Coast Harbor area; Bike Course—on Shoreway from East 9th to West Blvd., (east bound Shoreway only); Run Course—on Shoreway and Lakeside Ave.; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 766-14.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for The FOX 8 Fox Trot, on August 24, 2014, proceeds to benefit The Wounded Warrior 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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The FOX 8 Fox Trot, on August 24, 2014, Start: Voinivich Park; E. 9th south to Lakeside; Lakeside east to E. 18th; E. 18th south to St. Clair; St. Clair west to W. 6th; W. 6th north to Lakeside; Lakeside east to W. 3rd; W. 3rd north to Erieside; Erieside east to E. 9th; E. 9th north to Voinivich Park—finish; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that

the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 767-14.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Inside the Park Home Run, on August 10, 2014, proceeds to benefit the Furniture Bank.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Inside the Park Home Run, on August 10, 2014, Start: Eagle east to E. 9th; E. 9th north to Huron; Huron west to E. 6th; E. 6th south to Eagle; Eagle west to Ontario; (ON SIDEWALK THE REMAINDER OF ROUTE); Ontario south to Carnegie; Carnegie east to E. 9th; E. 9th north to Eagle; Eagle into Progressive Field—finish; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 768-14.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Kidney Walk, on June 8, 2014, sponsored by the National Kidney Foundation.**

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



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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Kidney Walk, on June 8, 2014, Start: The Great Lake Science Center; west on Erieside; south on W. 3rd; east on Al Lerner Way; east on Erieside; east on North Marginal; around Burke Airport Loop; west on North Marginal; north on E. 9th; turn around at Pier; south on E. 9th; West on Erieside to Finish; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 769-14.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the OROC Run, on August 2, 2014, sponsored by Hermes Sports & Events, Inc.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the OROC Run, on August 2, 2014, Start: E. 9th & Erieside; Erieside to W. 3rd; W. 3rd to Lakeside; Lakeside to E. 6th; E. 6th to St. Clair; St. Clair to W. 9th; W. 9th to Lakeside; Lakeside to W. 3rd; W. 3rd to Erieside; Erieside to E. 9th—finish; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 770-14.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Purple Stride Run/Walk, on June 21, 2014, sponsored by the Pancreatic Cancer Action Network.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Purple Stride Run/Walk, on June 21, 2014, Start: 5KRun/Walk; Voinivich Park; E. 9th south to Lakeside; east on Lakeside to E. 18th; south on E. 18th to St. Clair; west on St. Clair to W. 3rd; north on W. 3rd to Erieside; east on Erieside to East 9th; north on E. 9th to Voinivich Park—finish line; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 771-14.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Urbanobstacle Race, on June 7, 2014, sponsored by Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Urbanobstacle Race, on June 7, 2014, Start: Barley House Parking Lot; Loop #1—W. 4th north to Lakeside; Lakeside east to W. 3rd; W. 3rd north to Al Lernerway; Al Lernerway

east to Erieside; Erieside south to W. 3rd (around Stadium); W. 3rd south to Lakeside; Lakeside west to W. 4th; W. 4th south to Barley House Parking Lot; Loop #2—W. 4th south to W. St. Clair; W. St. Clair west to Robert Lockwood; Robert Lockwood south to Canal; Canal east to Ontario Staircase; up Ontario Staircase to Ontario; cross over Ontario at Eagle to Progressive Field; enter Progressive Field turn around; cross over Ontario to Staircase to Canal; Canal west to Robert Lockwood; Robert Lockwood north to W. St. Clair; W. St. Clair east to W. 4th; W. 4th north to Barley House Parking Lot; Loop #3—W. 4th south to W. St. Clair; W. St. Clair west to W. 10th; W. 10th south to Superior Hill; cross over Superior Hill to entrance of lower level of Detroit Superior Bridge; staying on lower level of bridge to west end of bridge; turn around in Cuyahoga County parking lot; exit bridge cross over Superior Hill to W. 10th; W. 10th north to W. St. Clair; W. St. Clair east to W. 4th; W. 4th north to Barley House Parking Lot to Finish; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 772-14.**

**By Council Member Zone.**

**An emergency ordinance consenting and approving the issuance of a permit for the Robert Martin Memorial Run, on July 13, 2014, to benefit the Midwest Council for Children with Disabilities.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Robert Martin Memorial Run, on July 13, 2014, to benefit the Midwest Council for Children with Disabilities, Start: CPPA Hall; W. 58th south to Tillman; Tillman east to W. 49th; W. 49th north to Herman; Herman west to W. 65th; W. 65th north to Tunnel through Tunnel to Edgewater Park; through Edgewater Park to W. 77th Tunnel; W. 77th south to Detroit; Detroit east W. 65th; W. 65th north to Herman; Herman east to W. 58th; finish at CPPA Hall, provided that the

applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

**Res. No. 758-14.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit at 618 Prospect Avenue, and repealing Resolution No. 916-13, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit to DNA Level C, LLC, 618 Prospect Avenue, Cleveland, Ohio 44115, Permanent Number 2215582 by Resolution No. 916-13, 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 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 objection to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit to DNA Level C, LLC, 618 Prospect Avenue, Cleveland, Ohio 44115, be and the same is hereby withdrawn and Resolution No. 916-13, 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 759-14.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 2625 East 55th Street, and repealing Resolution No 73-14, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to R & H Gas, Inc., DBA East 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent No. 7148708 by Resolution No. 73-14 adopted by the Council on January 13, 2014; and

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

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

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

**Section 1.** That objection to the transfer of location of a C1 and C2 Liquor Permit to R & H Gas, Inc., DBA East 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent No. 7148708, be and the same is hereby withdrawn and Resolution No. 73-14, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 760-14.**

**By Council Member Keane.**

**An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 4695 Rocky River Drive, and repealing Resolution No. 947-13, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1, D2 and D6 Liquor Permit to Badih, Inc., 4695 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 0362714 by Resolution No. 947-13, 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 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 objection to the renewal of a C1, C2 and D6 Liquor Permit to Badih, Inc., 4695 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 0362714, be and the same is hereby withdrawn and Resolution No. 947-13, 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 789-14.**

**By Council Member Pruitt.**

**An emergency resolution supporting the City of Cleveland's application for Congestion Mitigation and Air Quality (CMAQ) funds for the Johnson Mill Run Trail project, to the Northeast Ohio Area-wide Coordinating Agency (NOACA) and the Ohio Department of Transportation (ODOT) for funding consideration by the Ohio Association of Regional Councils (OARC).**

Whereas, the United States Congress has set aside monies for Congestion Mitigation and Air Quality (CMAQ) projects through the State of Ohio, Department of Transportation (ODOT) and administered by the Northeast Ohio Area-wide Coordinating Agency (NOACA); and

Whereas, Local Public Agencies (LPAs) can apply for these monies and be selected for funding by the Ohio Association of Regional Councils (OARC), who has been charged with management of a statewide CMAQ program by ODOT; and

Whereas, the Johnson Mill Run Trail, an environment-enhancing, off-road, paved, multi-purpose bike and pedestrian shared-use path, is a transportation activity eligible to receive federal CMAQ funding; and

Whereas, if requested funds are granted, the City of Cleveland shall be responsible for at least twenty (20%) percent of the eligible costs; 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 empowers the City of Cleveland, as Contractual Agent and LPA, to prepare and execute an application for CMAQ funds for the Johnson Mill Run Trail project, and to submit same to the NOACA for consideration of funding by OARC.

**Section 2.** That the total cost of the project is estimated to be \$3,993,801.98, of which the LPA, if awarded the funds, commits to pay at least twenty (20%) percent (hereinafter known as the local portion) of the actual cost, estimated to be \$799,760.40. The local portion shall be funded by the LPA using City of Cleveland general obligation bonds or subordinated income tax bonds. The LPA further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount

provided by the OARC and for all non-participating costs associated project development activities.

**Section 3.** Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way in violation for public highway purposes.

**Section 4.** If the application is approved for funding, the City of Cleveland, as Contractual Agent and LPA, is hereby empowered to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above described project.

**Section 5.** 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 790-14.**

**By Council Members Zone, Cimperman, Cummins, Kelley, Cleveland, Brancatelli, Pruitt, Mitchell, J. Johnson, Conwell, Keane and Polensek.**

**An emergency resolution declaring June, 2014 Immigrant Heritage Month.**

Whereas, generations of immigrants from every corner of the globe have helped to build our country's economy and create the unique character of our nation; and

Whereas, immigrants continue to grow businesses, innovate, strengthen our economy and create jobs for Americans in the United States and here in Cleveland; and

Whereas, immigrants have provided the United States with unique social and cultural influences, fundamentally enriching the extraordinary character of our nation; and

Whereas, immigrants have been tireless leaders, not only in securing their own rights and access to equal opportunity, but also in campaigning to create a more just society for all Americans; and

Whereas, despite these and many other contributions, the role of immigrants in building and enriching our nation has been overlooked and undervalued throughout history, continuing to this day; 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 declares June, 2014 Immigrant Heritage Month.

**Section 2.** That the Clerk is directed to transmit a copy of this resolution to Global Cleveland, John Petrea of Welcome.us and Clarence Anthony of the National League of Cities.

**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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 300-14.**

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

An emergency ordinance authorizing the Chief of Police, with concurrence of the Director of Public Safety, to enter into an agreement with University Hospitals Health System to exercise the authority permitted under division (D) of Section 4973.17 of the Revised Code; to set forth standards and criteria governing interaction and cooperation between police officers for the hospital and officers in the Cleveland Division of Police; and, to permit certain UHHS Police services within such areas of the City as may be authorized by the City's Chief of Police.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 358-14.**

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Downtown Cleveland Alliance to encroach into the public right-of-way of Huron Road by installing, using, and maintaining the Huron Road Plaza.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Property; Development, Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 362-14.**

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2014-15 Cities Readiness Initiative Program; authorizing one or more contracts with the Cuyahoga County Board of Health; and authorizing the purchase or lease of television and

radio advertising time and other media.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 388-14.**

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

An emergency ordinance to change the name of a portion of Bulkley Boulevard, aka Cleveland Memorial Shoreway West to Edgewater Parkway.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Property; Development, Planning and Sustainability; Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 424-14.**

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Flats East Development, L.L.C. to encroach into the public rights-of-way of and beneath Old River Road, Front Avenue, West 11th Street, and Main Avenue by installing, using, and maintaining concrete building foundations and pilings.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Development, Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 462-14.**

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Commission on Minority Health for the 2014-15 Local Office on Minority Health Grant; and authorizing the Director to enter into one or more contracts with other agencies, entities, or individuals to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 467-14.**

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

An emergency ordinance authorizing the Director of Building and Housing to enter into one or more contracts with Lou Ritenour Decorators, Inc. dba WR Restoration, or its designee, for professional services necessary to provide professional and technical services relating to the historic documentation, assessments,

and the preserving and salvaging of architectural elements and materials of the former Fifth Church of Christ, Scientist, located at 11623 Lake Avenue, and to enter into contract for demolition of the property.

Approved by Directors of Building and Housing, Economic Development, Finance, Law; Passage recommended by Committees on Development, Planning and Sustainability, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 474-14.**

By Council Member Cimperman.

An emergency ordinance to amend Section 607.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1497-03, passed October 13, 2003, to prohibit the sale and distribution of alternative nicotine products, including electronic cigarettes, to children.

Approved by Directors of Public Health, Public Safety, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance, when amended, as follows:

1. In Section 1, at amended Section 607.15, in division (a), renumber existing subdivision "(4)" definition for "A. Alternative nicotine product" to "(1)"; renumber existing subdivision "(1)" definition for "Child" to "(2)"; renumber existing subdivision "(2)" definition for "Cigarette" to "(3)"; and renumber existing subdivision "(3)" definition for "Distribute" to "(4)".

2. In Section 1, at amended Section 607.15, in division (a)(5) at "B. Electronic cigarette", line 2, strike "division (a)(4)(B)(i) to (iv) of" and insert "the definition for alternative nicotine product contained in".

3. In Section 1, at amended Section 607.15(b), line 4, after "cigarettes" insert a comma; in division (b)(2), line 4, after "products," insert "alternative nicotine products,"; and in division (b)(6), line 2, strike "project" and insert "product".

4. In Section 1, at amended Section 607.15, page 3, line 5, reletter division (b) to division "(c)"; and in existing division (b), line one, after "cigarettes" insert a comma and strike "or".

5. In Section 1, at amended Section 607.15, page 3, reletter division (c) to division "(d)", in line 1, strike "division (a)(1) of" and insert "division (b)(1) of"; and in (2), line 2, strike "division (a)(1) of", and insert "division (b)(1) of".

6. In Section 1, at amended Section 607.15, page 3, reletter division (d) to division "(e)", and in line 1, strike "division (a)(1) or (2) of", and insert "division (b)(1) or (2) of".

7. In Section 1, at amended Section 607.15, page 3, reletter division (e) to division "(f)", and in line 1, strike "(a)(1), (2), (4), or (5) or (c)" and insert "(b)(1), (2), (4), (5) or (6) or division (c)"; and in line 5, strike "(a)(1), (2), (4), or (5) or (b)" and insert "(b)(1), (2), (4), (5), or (6) or division (c)".

8. In Section 1, at amended Section 607.15, page 4, at "(2)", lines 1 and 5, strike "(a)(3)" in both places and insert "(b)(3)".

9. In Section 1, at amended Section 607.15, page 4, reletter division (f) to division "(g)".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 500-14.**

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

An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2013-14 school year.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance, when amended, as follows:

1. In Section 1, line 6, strike "\$1,000,000" and insert "\$950,000".

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 501-14.**

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

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with the National Youth Sports Program to provide a youth summer sports, nutrition, health, and life skills development program for 2014 at Case Western Reserve University.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance, when amended, as follows:

1. In Section 2, line 2, strike "\$100,000" and insert "\$150,000".

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 526-14.**

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

An emergency ordinance authorizing the Director of Port Control to lease Docks 28B, 30, and 32, excluding the warehouses on Docks 30 and 32, to the Cleveland Browns Stadium Company LLC for surface parking and staging special event programming for ten Cleveland Browns home games, any NFL playoff games and up to nine other events a year, for a period of one year.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Transportation, Finance, when amended, as follows:

1. In the title, last line, strike the period and insert ", with a one-year

option to renew, subject to additional legislative authority."

2. In Section 1, line 4, after "(Leased Premises)" insert "comprising approximately 1,700 parking spaces";.

3. In Section 2, line 2, strike the period and insert, ", with a one-year option to renew, subject to additional legislative authority."

4. Strike Section 3 in its entirety and insert the following:

"Section 3. That the rent for the first year of the Leased Premises shall be as follows:

**Year One.** For the right to use 1,700 parking spaces for the ten (10) game season, all playoff games and 5 special events, the Browns shall pay to the City a rent of \$70,342. For each of the four additional special events the Browns may request, the rent shall be \$7,034.00 per event.

That the one-year option to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the one-year option to renew is exercised, the rent for the second year of the Leased Premises shall be as follows:

**Year Two.** For the right to use 1,700 parking spaces for the ten (10) game season, all playoff games and up to an additional 9 special events, the Browns shall pay the following:

a. 450 spaces shall be free of charge

b. 550 spaces shall be available for the ten (10) game season and all playoff games at a rate of \$5.00 per space or \$2,750 per game

c. 700 spaces shall be available for the ten (10) game season and all playoff games at a rate of \$7.50 per space or \$5,250 per game

d. 1,700 spaces shall be available for the nine (9) special events at a rate of \$7,034 per event".

5. Insert new Section 5 to read as follows:

"Section 5. That the lease shall contain a provision to allow the City to terminate for development purposes upon notice to the Browns.

6. Renumber existing Sections 5 and 6 to new "Section 6" and "Section 7".

Amendments agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 11. Nays 4.

Those voting yea: Council Members Kelley, Brancatelli, Cleveland, Conwell, Dow, Keane, Mitchell, Pruitt, Reed, Sweeney and Zone.

Those voting nay: Council Members Cummins, J. Johnson, K. Johnson and Polensek.

Absent: Council Member Brady.

Pursuant to Rule 19 of the Rules of Council, Council Member Cimperman recused himself from the vote regarding Ordinance No. 526-14.

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. 536-14.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more agreements with the Cleveland-Cuyahoga County Port Authority to

serve as Local Sponsor for the Crescent Avenue Environmental Restoration project made eligible under the Great Lakes Restoration Initiative; authorizing the Director to cause payment to the Port Authority to partially fund the feasibility study; and to enter into a Project Agreement, and other related agreements, with the Port Authority and applicable agencies of both the State of Ohio and the United States needed to implement the project.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 559-14.**

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2014-15 Public Health Emergency Preparedness Grant Program.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 560-14.**

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts with Siemens Industry, Inc. for labor and materials necessary to maintain, repair and expand the existing Apogee building automation system, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years, with two one-year options to renew, the first of which requires additional legislative authority.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 561-14.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Multi-Phased Option to Lease Agreement and resulting Lease Agreements with to-be-formed limited liability companies, for property commonly known as the Harbor West Docks, and three sites at North Coast Harbor for future development.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance, when amended, as follows:

1. In the title, lines 4 and 5, strike "to-be-formed limited liability companies, for" and insert "Cumberland TCC, LLC".

2. In the second Whereas clause, line 1 strike "a to-be-formed" and insert "Cumberland TCC, LLC, a".

3. Strike the fifth whereas clause in its entirety and insert the following:

"Whereas, Developer's plan will advance the City of Cleveland's goals as set forth in the Cleveland Downtown Lakefront Development Plan adopted April 20, 2012 by the Cleveland City Planning Commission by using the following Design Principles:

1. Create a Walkable, Dense & Mixed Use Urban Fabric
2. Design for All Seasons
3. Focus on a Water Plan
4. Learn from Cleveland Precedents
5. Pursue Incremental Development

The Development will comply with all applicable FAA Requirements, including height restrictions; and"

4. Strike the sixth whereas clause in its entirety and insert the following:

"Whereas, Developer agrees to undertake the following development at the Project Site ("Development Objectives") according to the following Phases:

**Phase 1:**  
**Area A (Voinovich Parking Lot, approximately 1 acre)**

Development may include retail uses such as a restaurant, public restrooms, and facilities supporting waterfront attractions. Building height may be one or two stories.

**Area B (Skate Park, approximately acre)**

Development may include restaurants, and general retail. Building height may be two or three stories.

**Area C (Parcel between Rock and Roll Hall of Fame Museum and Great Lakes Science Center, approximately 1 acre)**

Development may include restaurants, general retail, a hotel, and/or facilities supporting Great Lakes Science Center and Rock and Roll Hall of Fame.

**Area D (Dock 32, approximately 6 acres)**

Development may include at least 200 residential units, at least 60,000 square feet of office space, parking, restaurants, and general retail. Building height may be six stories.

**Phase 2:**  
**Area E (Dock 30, approximately 6 acres)**

Development may include at least 350 residential units, office, general retail, and parking. Building may be eight stories.

**Phase 3:**  
**Area F (Dock 28B, approximately 6 acres)**

Development may include at least 350 residential units, office, general retail, and parking. Building height may be ten stories; and"

5. In Section 1, line 5, strike "File No. 561-14-A" and insert "File No. 561-14-B".

6. In Section 2, line 1, after "fully executed" insert "or six months from the passage date of this ordinance, whichever is earlier".

7. Insert new Section 4A to read as follows:

**Section 4A. Developer agrees not to assign or transfer its rights in any Phase of the Project to another**

**entity not controlled by the Developer as managing entity prior to Completion. Completion is defined as the issuance of Certificate of Occupancy for each building within a Phase and is further defined in the Legislative Summary placed in the file mentioned above. Upon Completion, Developer shall have the ability to transfer and assign their interest in the leasehold to an unrelated entity provided that the new entity will assume all their responsibilities and is approved by the Director of Port Control. The Director of Port Control is authorized to enter into a Lease Assignment and Assumption Agreement for each Phase of the Project with a to-be-determined entity".**

8. Strike the last paragraph of Section 2 in its entirety and insert the following: "In the event the Developer is diligently working toward completion of the development of a Phase, then the date for exercise of the option to lease for that Phase of the Project may be extended for an additional period of one (1) year, exercisable by the Director of Port Control, with prior notification to the President of City Council".

Amendments agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Pursuant to Rule 19 of the Rules of Council, Council Member Cimperman recused himself from the vote regarding Ordinance No. 561-14.

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. 600-14.**

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 601-14.**

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 604-14.**

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

An emergency ordinance authorizing the Director of Community Development and, if applicable, other City Directors to enter into contract with various agencies to provide social service programs, including the senior transportation program, authorizing the Director of Community Development to enter into one or more written agreements with the Director of Public Works to lease space from the Greater New Calvary Baptist Church to provide facilities for recreation activities, and with other Directors if necessary.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 605-14.**

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

An emergency ordinance appropriating Community Development Block Grant funds and Emergency Solutions Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP), CHORE, and Homeless Services Programs.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 606-14.**

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts for Commercial Revitalization and rebate, grant, and/or loan agreements with Storefront Renovation Program applicants, and to enter into agreements for eligible costs to community development corporations for implementation of the Storefront Renovation and Commercial Revitalization Programs.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 607-14.**

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

An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

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

Development Planning and Sustainability, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 608-14.**

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

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with the Cuyahoga County Solid Waste District to accept funding in support of the Department of Public Safety's Environmental Crimes Task Force needed to purchase supplies, equipment, and vehicles to assist in the investigation, enforcement, and prosecution of persons illegally dumping trash and waste.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 611-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the City, County and Waste Paper Drivers Union, Local No. 244, affiliated with the International Brotherhood of Teamsters; and to amend Section 16 of Ordinance No. 385-14, passed March 31, 2014, relating to compensation for various classifications.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 618-14.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission to assist with the operations of the organization.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 13. Nays 3.

Those voting Yea: Council Members Kelley, Brancatelli, Cimperman, Cleveland, Cummins, Dow, K. Johnson, Keane, Mitchell, Pruitt, Reed, Sweeney and Zone.

Those voting Nay: Council Members Conwell, J. Johnson and Polensek.

**Ord. No. 619-14.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Greater Cleveland

Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events and to actively market the Public Auditorium as a premier site for the hosting of major events.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 620-14.**

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

An emergency ordinance authorizing the Director of Public Safety to lease certain property known as the Central Prison Unit located on part of the 6th floor of Police Headquarters in the Justice Center to Cuyahoga County along with use of one elevator and sally port use to permit the County's Sheriff's Department to house prisoners in conjunction with the Sheriff's booking, housing, and other related services for City Prisoners under a separate underlying agreement.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 621-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Human Resources to employ one or more consultants or firms of consultants to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services, for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 626-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract without competitive bidding with Iron Mountain/National Underground Storage, a division of Iron Mountain Information Management, Inc. for the lease of space for the storage of records, and the purchase of services related to the storage of records, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read

third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 627-14.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1589-13, passed November 25, 2013, relating to environmental lead investigations of eligible children's residences.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 629-14.**

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept grants from JobsOhio and/or the Ohio Development Services Agency or other entity for environmental assessment assistance to implement the proposed redevelopment of the East 69th & Euclid Block site; authorizing the director to employ one or more consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional to provide perform an environmental assessment of the site; authorizing agreements with Lassi Enterprises LLC and the Cleveland-Cuyahoga County Port Authority to allow the Ohio VAP-Certified professional access onto and to perform an environmental assessment of the properties; and authorizing the Director of Community Development to transfer certain properties within the Block site to the control, possession, and use of the Department of Economic Development for future redevelopment.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 641-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Sections 4, 51, 52, and 53 of Ordinance No. 385-14, passed March 31, 2014, relating to compensation for various classifications.

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

1. In Section 1, at amended Section 4, No. 15, strike "Financial Manager" and insert "**Chief Financial Officer**".

2. In Section 1, at amended Section 51, No. 1, strike "\$55,459.77" and insert "**\$59,612.94**"; at No. 3, strike "59,846.38" and insert "**69,175.71**"; at No. 12, strike "74,489.64" and insert "**80,678.19**"; at No. 21, strike "80,219.61" and insert "**91,400.06**"; at No. 27, strike "80,219.61" and insert "**97,644.07**"; at No. 35, strike "89,132.90" and insert "**97,644.07**"; at No. 38, strike "66,849.68" and insert

"**73,799.92**"; at No. 50, strike "74,489.64" and insert "**80,678.19**" and at No. 54, strike "41,383.13" and insert "**47,344.30**".

3. In Section 1, at amended Section 52, No. 24, strike "10.30" and insert "**10.70**", and strike "10.51" and insert "**11.00**".

4. In Section 1, at amended Section 53, line 3, strike "9.27" and insert "**10.00**"; and strike line 4 in its entirety.

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 643-14.**

By Council Member Cimperman.

An emergency ordinance designating West 13th Street between Abbey and University Roads with a secondary and honorary designation of "Victoria and Michael Sokolowski Way".

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 665-14.**

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

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. PI 2013-58 with Independence Excavating, Inc. for improvements to the Burke Lakefront Airport Runway 6L-24R Safety Area, for the Department of Port Control.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 675-14.**

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with CI Technologies, Inc. for the acquisition of one or more IAPRO and Blue Team software licenses, and for Human Resource integration, data conversion, training, and other related services, for the Division of Police, Department of Public Safety, and maintenance for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 676-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of various elec-

trical materials, supplies, and equipment for the various divisions of City government, for a period of two years, with a one-year option to renew, exercisable by the Director of Finance.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 682-14.**

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 138.09 relating to accepting gifts and grants to abate public nuisance properties.

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance, when amended, as follows:

1. In Section 1, at new Section 138.09(a), at the end, insert "**The Director shall report the acceptance of each gift to the Clerk of the City Council.**".

2. In Section 1, at new Section 138.09(b), at the end, insert "**If any gift or grant accepted under this section causes administrative expenses to exceed fifteen percent (15%) of the value of the gift or grant, additional legislative authority is necessary before receiving the gift or grant.**".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 683-14.**

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

An emergency ordinance authorizing the Director of Community Development to employ one or more professional consultants to provide grant writing services; and authorizing the Director of Community Development to apply for and accept the Lead Hazard Reduction Demonstration or Lead Hazard Control Grant and the Healthy Homes Grant both from the U.S. Department of Housing and Urban Development; authorizing the purchase by one or more standard and requirement contracts of materials, equipment, supplies, and services necessary to implement the grants and for the rental of furniture and other household articles to supply and accommodate displaced persons; and authorizing one or more contracts with various entities, agencies, or individuals to implement the grants.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 684-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 555.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1020-04, passed August 11, 2004, relating to fees for testing and sealing weights and measures.

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

The rules were suspended. Yeas 16. Nays 0. Read second time, Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 686-14.**

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 Cleveland Foundation for the 2014 Cleveland Nights Program.

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

The rules were suspended. Yeas 16. Nays 0. Read second time, Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 688-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the International Union of Operating Engineers, Local 10; and to amend Section 11 of Ordinance No. 385-14, passed March 31, 2014, relating to compensation for various classifications.

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

The rules were suspended. Yeas 16. Nays 0. Read second time, Read third time in full. Passed. Yeas 16. Nays 0.

**SECOND READING EMERGENCY RESOLUTIONS ADOPTED****Res. No. 393-14.**

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

An emergency resolution declaring the intent to vacate a portion of East 38th Place.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Municipal Services and Property; Development, Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time, Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 394-14.**

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

An emergency resolution declaring the intent to vacate a portion of Hinde Court S.E.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Municipal Services and Property; Development, Planning and Sustainability.

The rules were suspended. Yeas 16. Nays 0. Read second time, Read third time in full. Adopted. Yeas 16. Nays 0.

**MOTION**

On the motion of Council Member Pruitt, the absence of Council Member Dona Brady is hereby authorized. Seconded by Council Member Keane.

The Council Meeting adjourned at 8:48 p.m. to meet on Monday, June 9, 2014, 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**

May 28, 2014

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 28, 2014 at 10:33 a.m. with Director Langhenry presiding.

Present: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson.

Others: Matthew Spronz, Director, Mayor's Office of Capital Projects.

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

Tiffany White, Commissioner, Division of Purchases & Supplies.

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

**Resolution No. 217-14.**

By Director Bender.

Whereas, under the authority of Ordinance No. 984-07, passed by the City of Cleveland Council on August 8, 2007, the City of Cleveland, through the Director of Public Utilities, entered into an agreement with Ventyx, City Contract No. 67844, for professional services necessary to maintain the Ventyx Customer Suite, Service Suite and Asset Suite software, including new releases, patches and fixes, technical support and product research and improvement for the one-year period starting August 1, 2008, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director, previously authorized to contract

with a software developer or vendor to acquire software, to enter into an agreement with the developer or vendor for professional services necessary to perform as-needed services to implement or maintain the software products, including but not limited to, maintenance, repair, upgrades, migration, enhancements and technical support; and

Whereas, under division (d) of Section 181.102 C.O., the City intends to enter into a one-year agreement with Ventyx, Inc. for continued software maintenance and technical support services to implement and maintain the Ventyx Customer Suite, Service Suite and Asset Suite software for the one-year term starting August 1, 2014; and

Whereas, Consultant has proposed by its March 13, 2014 Letter to perform the continued software maintenance and technical support services for one year starting August 1, 2014 for a fee of \$162,396.96; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, under division (e) Section 181.102 C.O., that the compensation to be paid Ventyx Inc. for additional maintenance and technical support services for the Ventyx Customer Suite, Service Suite, and Asset Suite software for the one-year term starting August 1, 2014 shall be fixed at \$162,396.96.

Yeas: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

**Resolution No. 218-14.**

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of year 2014-B cleaning, cement mortar lining, and replacement of distribution water mains, including a \$286,487.00 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on March 28, 2014, under the authority of Ordinance No. 1105-13, passed September 23, 2013, upon a unit basis for the improvement in the aggregate amount of \$3,151,365.80, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

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

| <u>SUBCONTRACTOR</u>                                 | <u>WORK PERCENTAGE</u> |
|--|------------------------|
| The Vallejo Company<br>(CSB/MBE)                     | \$316,378.00<br>10.04% |
| Rockport Construction &<br>Materials, Inc. (CSB/FBE) | \$629,032.00<br>19.96% |



Yeas: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols and Fumich.

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

**Resolution No. 219-14.**

By Director Bender.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corp for the public improvement of year 2014-A cleaning, cement mortar lining, and replacement of distribution water mains, including a \$263,781.90 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on March 26, 2014, under the authority of Ordinance No. 1105-13, passed September 23, 2013, upon a unit basis for the improvement in the aggregate amount of \$2,901,600.90, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corp for the above-mentioned public improvement is approved:

| <u>SUBCONTRACTOR</u>                             | <u>WORK PERCENTAGE</u> |
|--|------------------------|
| Dan-Ray Construction, LLC (CSB/MBE)              | \$480,600.00<br>16.56% |
| Cook Paving and Construction Co., Inc. (CSB/MBE) | \$300,000.00<br>10.34% |
| Tech Ready Mix, Inc. (CSB/MBE)                   | \$ 90,000.00<br>3.10%  |

Yeas: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols and Fumich.

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

**Resolution No. 220-14.**

By Director Bender.  
Be it resolved by the Board of Control of the City of Cleveland that all bids received on April 11, 2014 for Demolishing Existing and Constructing New Incinerator Pump Station on West 3rd Street, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 888-12, passed August 8, 2012, are rejected.

Yeas: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols and Fumich.

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

**Resolution No. 221-14.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 744-12, passed by Cleveland City

Council on September 24, 2012, the proposal of JIT Services, LLC is hereby selected upon nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the concessionaire to manage, operate, maintain and repair the transient marina and related amenities at North Coast Harbor, for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a lease by way of concession ("Lease") with JIT Services, LLC for the management, operation, maintenance and repair of the transient marina and related amenities, based upon its proposal dated December 5, 2013 for a period of one (1) year with three (3) one year options to renew. The rent for the Lease years shall be \$2,000.00 per month for the months May through October plus 6.5% of sales.

Be it further resolved that the Lease shall be prepared by the Director of Law and shall contain substantially the same terms and conditions as the lease by way of concession set forth in the Request for Proposal, as amended, as well as such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following sub-consultants by JIT Services, LLC are approved:

| <u>Sub-consultant</u> | <u>Percentage Amount</u>        |
|-----------------------|---------------------------------|
| Safe Choice           | 0% CSB/MBE<br>\$27,000.00       |
| Taylor Oswald         | 0% non-certified<br>\$10,000.00 |
| Graphixsphere         | 0% non-certified<br>\$15,000.00 |
| Harvest Communication | 0% non-certified<br>\$15,000.00 |

Yeas: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 222-14.**

By Director Spronz.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Katanas Corp. dba Lightning Demolition (CSB/MBE) for the public improvement of Demolition of City Facilities - Package D (Platt Avenue Park Station), for Base Bid Items A-C and Optional Items 1-4 for the Division of Architecture and Site Development, Mayor's Office of Capital Projects, received on March 28, 2014, under the authority of Ordinance No. 747-13, passed on July 10, 2013, upon a gross price basis for the improvement in the aggregate amount of \$82,490.00, is affirmed and approved as the lowest responsible bid; and the Director of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Katanas Corp. dba Lightning Demolition (CSB/MBE) for the aforementioned public improvement is approved:

| <u>SUBCONTRACTOR</u>                  | <u>AMOUNT PERCENTAGE</u> |
|---------------------------------------|--------------------------|
| Coleman Trucking (CSB/MBE)            | \$3,000.00<br>3.637%     |
| Midtown Trucking (CSB/MBE)            | \$3,000.00<br>3.637%     |
| Interstate Safety & Service (CSB/FBE) | \$3,000.00<br>3.637%     |

Yeas: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 223-14.**

By Director Cox.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Best Equipment Company, Inc., for an estimated quantity of cab and chassis with automated refuse bodies, and related equipment, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for the period of one year beginning with the date of execution of a contract, received on April 11, 2014, under the authority of Ordinance No. 646-13, passed by Cleveland City Council on May 13, 2013, which on the basis of the estimated quantity would amount to \$2,399,720.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the specified goods.

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by Best Equipment Company, Inc. is approved:

| <u>Subcontractor</u>              | <u>Percentage Amount</u> |
|-----------------------------------|--------------------------|
| Stoops Freightliner-Quality Truck | 0%<br>\$1,100,464.00     |
| Pierce Manufacturing              | 0%<br>\$ 42,456.00       |
| All Points Systems, LTD.          | 0%<br>\$ 44,000.00       |

Yeas: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 224-14.**

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 Parcels 108-29-073, 108-29-074, 108-29-075, and 109-20-003; and

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

Whereas, Northeast Ohio Regional Sewer District has proposed to the City to lease the parcels for the purpose of construction staging and temporary parking in connection with its Dugway West Interceptor Relief Sewer Project; and

Whereas, the following conditions exist:

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

2. The proposed lessee of the 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, to execute a 3-year lease for and on behalf of the City of Cleveland, with Northeast Ohio Regional Sewer District for the purpose of construction staging and temporary parking in connection with its Dugway West Interceptor Relief Sewer Project on Permanent Parcels 108-29-073, 108-29-074, 108-29-075, and 109-20-003, 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 lease of the parcels shall be \$200.00 per parcel and other good and valuable consideration, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Director Langhenry, Acting Director White, Directors Bender, Smith, Acting Director R. Johnson, Interim Director Baker, Acting Director Withers, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES****General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials

may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, JUNE 16, 2014**

**9:30 A.M.**

**Calendar No. 14-64:** 1323 East 112th Street (Ward 9)

Bruce Earle, owner, proposes to erect a 46 foot tall triangular monopole and amateur antenna attached to an existing two family residence located in a B1 Two Family; owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 354.08 (a) which states that an antenna is not permitted in a Two Family Residential District and requires the Board of Zoning Appeals approval per Section 354.14.

2. Section 354.08 (a) requires that the maximum height of tower cannot be taller than the Height District in which it is located; '1' Height District allows a maximum height of 35 feet.

3. Section 354.08 (c) which states that City Planning Commission Approval is required.

4. Section 354.08 (d) requires that the location of accessory equipment and level of screening needs City Planning Commission approval.

5. Section 354.09 (a) requiring a security fence not less than 6 feet high surrounding the antenna.

6. Section 354.09 (b) which states that City Planning Commission must approve any landscaping (no landscaping provided). (Filed May 2, 2014)

**Calendar No. 14-75:** 5709 Lorain Avenue (Ward 15)

Ibrahim Kalini, owner, proposes to change use from motor vehicle service station to a motor vehicle service garage on an irregular shaped parcel located in a C2 Local Retail Business District and a Pedestrian Retail Overlay District

(PRO); the owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 (b) which states that motor vehicle service garage is not permitted in a Local Retail Business District.

2. Section 343.2 (e) (1) (A) prohibits the use of the property as "Open Sales Lot" in a Pedestrian Retail Overlay District.

3. Section 343.23 (i) requires that a minimum of 3 parking spaces be provided and none are proposed.

4. Section 358.05 (a) (2) states that fences in the actual front yard shall not exceed 4 feet in height and 6 feet are proposed.

5. Section 358.05 (b) prohibits barbed wire fencing in a Local Retail Business District. (Filed May 12, 2014)

**Calendar No. 14-77:** 16625 Euclid Avenue (Ward 10)

SNS Properties, LLC., owner, proposes to establish use as a motor vehicle service garage on a parcel located in a D2 Local Retail Business District; the owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.14 states that a motor vehicle service garage is first permitted in a General Retail Business District.

2. Section 325.03 requires a minimum of 180 square feet for each off-street parking space and 162 square feet is proposed.

3. Section 343.14 (a) (1) requires a six foot high privacy fence along any property line abutting a Residence District and no landscaping is provided.

4. Section 343.14 (d) states that for corner properties the service bays must be oriented to a street characterized by commercial or industrial uses as opposed to residential or local retail uses and the proposed doors face Victoria Road.

5. Section 343.18 (a) which states that two driveways are not permitted where the frontage is less than 150' and the existing frontage is 139'. (Filed May 13, 2014)

**Calendar No. 14-78:** 4522 Warner Road (Ward 2)

Monno Porter, owner, proposes to establish use as a used car sales lot and a service garage on a 47' x 140' lot located in a C1 Local Retail Business District; the owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.11 (H) (4) (b) which states that used car sales is first permitted in a General Retail Business District.

2. Section 347.11 requires that an open sales lot must have a minimum frontage of 60 feet and approximately 48 feet are proposed.

3. Section 349.07 (a) which states that off-street parking lots must be drained within the lot. (Filed May 13, 2014)

**Calendar No. 14-87:** 4000 Whitman Avenue (Ward 3)

Ryan Lazuka, owner, proposes to erect a 2 car garage with a dwelling unit above and build an addition to the existing main structure on a 31.5' x 132' parcel located in a B1 Two Family Residential District;

owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 (a) which states that:

• the gross floor area of a dwelling in a 'B' Area District shall not exceed ½ the lot area or in this case 2,079 square feet and 3,568 square feet are proposed.

• The minimum lot width for a two unit dwelling in a 'B' Area District is 50 feet and 31.5 is proposed.

• The minimum lot area required for a two family dwelling is 6000 square feet and 4,158 is proposed.

2. Section 357.08 (b) (1) requires that the rear yard for a dwelling shall not be less than 20' and a 2 foot 1 inch rear yard is proposed.

3. Section 357.09 (b) (2) (B) states that no interior side yard shall be less than 3 feet and 8" to 12" interior side yard is proposed; this section also requires that the total aggregate width of side yards shall not be less than 10 feet and 3 feet 9 inches are proposed.

4. Section 357.15 (a) states that a residence building may be erected in the rear of a main building if the required front, rear and side yards are provided AND if the distance between the main building and the rear building is not less than 40 feet and 28 feet and 3 inches are proposed. (Filed May 19, 2014)

**Postponed from April 21st, 2014**

**Calendar No. 14-044:** 17149 Saint Clair Avenue (Ward 10)

All City Recycling, Inc., owner, appeals for an expansion of junk yard use to include wrecking and dismantling of motor vehicles on an irregular shaped lot in split zoning between C2 Semi-Industry and B3 General Industry Districts; subject to the limitations under Section 345.03 the proposed wrecking and dismantling of motor vehicles is not permitted in a Semi-Industry District and an expansion of nonconforming use requires the Board of Zoning Appeals approval, according to the provisions under Section 359.01 in the Cleveland Codified Ordinances. (Filed 3-21-14)

First postponement made at the request of the appellant's attorney to allow time for a legal brief to be submitted.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, JUNE 2, 2014**

At the meeting of the Board of Zoning Appeals on Monday, June 2, 2014, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 14-70:** 6770 Brookpark Road

Tom Schroeder (corrected to Tom Scheiman), owner, and B.A. Sweeties tenant appeals to install a 178.5 square foot free standing pole and monument sign.

**Calendar No. 14-71:** 1220 Huron Road Playhouse Square Plaza LLC, owner, appealed to change the use of floors 2-11 from business use to 80 residential apartments.

**Calendar No. 14-18:** 950 Main Avenue Flats East Bank, owner, appealed to install a temporary tent through the summer months.

**Calendar No. 14-42:** 16006 Waterloo Road  
16006 Waterloo Road Partners, LLC, owner, and Erin Corcoran, tenant, appealed to change use of an existing store to a tattoo establishment and gallery.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

None.

The following appeal was **DISMISSED:**

**Calendar No. 14-067:** 10818 Ashbury Avenue  
KM Progressive Building Remodelers LLC appealed a Violation Notice issued by the Division of the Environment.

The following appeal was **REIN-STATED:**

**Calendar No. 14-045:** 4384 Lee Road  
Johnny Abounader, New hearing date July 28, 2014

The following appeal was **POSTPONED:**

**Calendar No. 14-068:** 3891 East 131 Street  
Southern Whips, owner Postponed to July 14, 2014

The following appeals were heard by the Board on May 27, 2014 and the decisions were adopted and approved on June 2, 2014;

The following appeal was **APPROVED:**

**Calendar No. 14-65:** 17613 Valley View Avenue  
Yvonne Volters appealed to install 48 linear feet of 5' high wood fence and 12 linear feet of 6' high wooden fence/gate in the interior side yard of a parcel located in an A1 One Family Residential District.

The following appeals were **DENIED:**

None.

The following appeal was **WITHDRAWN:**

**Calendar No. 14-061:** 3528 West 100th Street  
Rafael Saavedra appealed to establish a day care use in a single family home in a B1 Two Family Residential District.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

**REQUEST FOR PROPOSAL**

Department of Public Safety, City of Cleveland seeks proposals for Towing (Non-Commercial) and Towing (Commercial - includes storage for commercial vehicles).

Proposals due by June 30, 2014, 3:00 p.m.

For more information, go to [www.city.cleveland.oh.us](http://www.city.cleveland.oh.us).

June 4, 2014, June 11, 2014, June 18, 2014 and June 25, 2014

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing By the Council Committee On Development, Planning and Sustainability**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, June 9, 2014  
9:00 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 9, 2014, at 9:00 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 1417-13.**

By Council Members Miller and J. Johnson.

An ordinance expanding the East Saint Clair Design Review District to include the north and south sides of Saint Clair between Eddy Road and E. 152nd Street as shown on the attached map (Map Change No. 2463).

**Ord. No. 1606-13.**

By Council Member J. Johnson and Conwell.

An emergency ordinance establishing the Grantwood Allotments Historic District (Map Change No. 2471, Sheet No. 8).

**Ord. No. 631-14.**

By Council Member Zone.

An ordinance changing the Use, Area and Height Districts of lands on the north side of Breakwater Avenue between West 65th Street and West 58th Street from GI-B3 to Multi-Family Residential, a 'C' Area District and a '2' Height District (Map Change No. 2491).

**Ord. No. 632-14.**

By Council Member Zone.

An ordinance changing the Use and Area Districts of a parcel located on the northwest corner of Stone

Avenue and West 54th Street to Two Family Residential and a 'B' Area District (Map Change No. 2489).

**Ord. No. 633-14.**

By Council Member Conwell.  
An emergency ordinance designating the Pilgrim Church of Christ (formerly Episcopal Church of the Incarnation) as a Cleveland Landmark.

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

Anthony Brancatelli, Chair  
Committee on Development,  
Planning and Sustainability

May 28, 2014 and June 4, 2014

**CITY of CLEVELAND BIDS**

**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**THURSDAY, JUNE 12, 2014**

**File No. 70-14 — 2014 Transfer and Disposal of Municipal Solid Waste (MSW),** for the Division of Waste Collection, Department of

Public Works, as authorized by Ordinance No. 568-14, passed by the Council of the City of Cleveland, May 12, 2014.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 5, 2014 AT 11:00 A.M. THE DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44114.

May 21, 2014 and May 28, 2014 and June 4, 2014

**FRIDAY, JUNE 13, 2014**

**File No. 71-14 — 2014 Cellular Wireless,** for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 305-14, passed by the Council of the City of Cleveland, March 17, 2014.

THERE WILL BE A **MANDATORY** PRE-BID MEETING FRIDAY, JUNE 6, 2014 AT 10:00 A.M. 205 ST. CLAIR AVENUE, ROOM 307, CLEVELAND, OHIO 44114. **THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

May 28, 2014 and June 4, 2014

**FRIDAY, JUNE 20, 2014**

**File No. 72-14 — Window Washing Services (Re-Bid),** for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 12, 2014 AT 1:30 P.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114

June 4, 2014 and June 11, 2014

**THURSDAY, JUNE 26, 2014**

**File No. 73-14 — Towing/Winching Services,** for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, JUNE 13, 2014 AT 11:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105

**File No. 74-14 — Labor and Materials Necessary to Maintain and Repair Heating, Ventilation and Air Conditioning Systems,** for the Various Division of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, JUNE 13, 2014 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OH 44135-3193

June 4, 2014 and June 11, 2014

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Monday, June 2, 2014  
9:30 a.m.**

**Health and Human Services Committee:** Present: Cimperman, Chair; Mitchell, Vice Chair; Cleveland, Conwell, Cummins, J. Johnson. *Authorized Absence:* Brady. *Pro tempore:* Kelley, Pruitt, Reed.

**2:00 p.m.**

**Transportation Committee, Development, Planning and Sustainability Committee & Finance Committee:** Present in Transportation: Keane, Chair; Dow, Vice Chair; J. Johnson, Sweeney. *Authorized Absence:* Sweeney. *Unauthorized Absence:* Conwell, K. Johnson. Present in DP&S: Brancatelli, Chair; Cleveland, Vice Chair; Cummins, Dow, Pruitt, Zone. *Authorized Absence:* Cimperman. Present in Finance: Kelley, Chair; Cleveland, Vice Chair; Brancatelli, Keane, Mitchell, Pruitt, Zone. *Authorized Absence:* Brady, Conwell.

**2:00 p.m.**

**Finance Committee:** Present: Kelley, Chair; Cleveland, Vice Chair; Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone. *Authorized Absence:* Brady.

**Tuesday, June 3, 2014  
1:30 p.m.**

**Workforce & Community Benefits Committee:** Present: Cleveland, Chair; Zone, Vice Chair; J. Johnson, Polensek, Pruitt. *Authorized Absence:* Reed, Sweeney.

**Wednesday, June 4, 2014  
10:00 a.m.**

**Transportation Committee:** Present: Keane, Chair; Dow, Vice Chair; Conwell, J. Johnson, K. Johnson, Sweeney. *Authorized Absence:* Reed.

**1:30 p.m.**

**Utilities Committee:** Present: Pruitt, Chair; Brancatelli, Cummins, Keane, Mitchell, Polensek. *Authorized Absence:* Brady.

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O—Ordinance; R—Resolution; F—File  
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