

# The City Record

Official Publication of the Council of the City of Cleveland



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April the Twenty-Fifth, Two Thousand and Twelve

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

### MAYOR – Frank G. Jackson

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

### OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

#### DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director

#### OFFICES:

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

**DEPT. OF COMMUNITY DEVELOPMENT** – Daryl Rush, Director

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Judge Courtroom

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 99

WEDNESDAY, APRIL 25, 2012

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## CITY COUNCIL

MONDAY, APRIL 23, 2012

The City Record  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, April 23, 2012

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen R. Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Jenita McGowan, Chief of Sustainability, Natoya J. Walker Minor, Chief of Public Affairs, and Interim Law Director Langhenry, Directors Withers, Smith, Wasik, Butler, Cox, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich, Ambrose, and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor John Coaxum of Glenville S.D.A. Church, 737 East 105th Street, located in Ward 8. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATION

##### File No. 583-12.

From City of Strongsville — certified copy of Resolution No. 2012-12, opposing a proposed tax by the City of Cleveland on hotel buses. Received

##### FROM OHIO DIVISION OF LIQUOR CONTROL

##### File No. 584-12.

Re: #2314371 — D5, D6 Transfer of Ownership Application — Drop Bar LLC, 1st floor, basement, and patio, 1392 West 6th Street. (Ward 3). Received.

##### File No. 585-12.

Re: #8575105 — C2, C2X Transfer of Ownership Application — Steves Deli, LLC, d.b.a. Steves Deli, 1st floor and basement, 3590 Bosworth Road. (Ward 17). Received.

##### STATEMENT OF WORK ACCEPTANCE

##### File No. 586-12.

From Director of Public Works — Division of Architecture and Site Development — Contract PI201000000018 with Panzica Construction Company for Collinwood Recreation Center Improvements, (Ward 11). Date of Acceptance: November 12, 2011. Received.

##### File No. 587-12.

From Director of Public Works — Division of Architecture and Site Development — Contract PI201000000058 with Precision Engineering and Contracting Company for Cudell Recreation Center Master Plan — Phase One, (Ward 16). Date of Acceptance: June 18, 2011. Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 588-12**—Judge Peter M. Sikora.

**Res. No. 589-12**—Helen Hatzgigeorgiou.

**Res. No. 590-12**—Ida B. Cook Crowder.

**Res. No. 591-12**—Lindsey Weyland Carter

**Res. No. 592-12**—Rev. Michael DeBose, former Ohio State Representative.

**Res. No. 593-12**—Paul H. George.

#### CONGRATULATIONS RESOLUTIONS

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

**Res. No. 594-12**—Patrol Officer James Traynor.

**Res. No. 595-12**—Marquyce T. Stewart.

**Res. No. 596-12**—City Club of Cleveland — 100th Anniversary.

#### RECOGNITION RESOLUTIONS

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

**Res. No. 597-12**—Mary Kennedy.

**Res. No. 598-12**—33rd Annual Tri-C JazzFest Cleveland.

**Res. No. 599-12**—Fathers Active In The Hood (F.A.I.T.H.).

**Res. No. 600-12**—10th Annual Minority Men's Health Fair.

#### APPRECIATION RESOLUTIONS

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

**Res. No. 601-12**—Damon Taseff.

**Res. No. 602-12**—Jim Schlecht.

**Res. No. 603-12**—Tommy LiPuma.

#### COMMEMORATION RESOLUTION

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

**Res. No. 604-12**—37th Anniversary of the Fall of Saigon.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 563-12.**

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

An emergency ordinance authorizing the Director of Port Control to lease certain space located in the passenger terminal building at Burke Lakefront Airport to Soluna Air Charter, Inc. for flight planning and as a place for flight crews to rest until their scheduled departure time, for a term of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

**Section 1.** That 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 lease to Soluna Air Charter, Inc. ("Lessee"), approximately 238 square feet of space located in Room 115 A of the passenger terminal building at Burke Lakefront Airport which is not needed for public use.

**Section 2.** That the term of the lease authorized by this ordinance shall commence on March 15, 2012, and shall not exceed two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

**Section 3.** That the space authorized by this ordinance shall be leased at an annual rental rate of \$3,213.00 which is payable in monthly installments of \$267.75, at the rate of \$13.50 per square foot, which is determined to be fair market value, exclusive of utilities.

**Section 4.** That the lease may authorize the Lessee to make improvements to the leased premises subject

to the approval of appropriate City agencies and officials.

**Section 5.** That the lease shall be prepared by the Director of Law.

**Section 6.** That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

**Ord. No. 564-12.**

**By Council Members Cimperman, Cleveland and Sweeney (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 purchase contracts for various services, equipment and supplies; authorizing the director to enter into one or more contracts with various agencies or entities necessary to operate the Division of Air Quality; determining the method of making 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; authorizing the director to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary 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 the Director of Public Health is authorized to accept a grant in the approximate amount of \$3,220,569, 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. 564-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$393,000 from Fund No. 01-5007-6397 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 under a delivery order against the contract or contracts 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 or one or more firms of con-

sultants 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 payments and cost of the contracts authorized by 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 12.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 13.** 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 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, City Planning Commission, Finance, Law; Committees on Health and Human Service, City Planning, Finance.

**Ord. No. 565-12.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Case Western Reserve University for the Case Western Reserve University Public Health Partnership.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply

for and accept a grant in the approximate amount of \$42,000, and any other funds that may become available during the grant term from Case Western Reserve University to conduct the Case Western Reserve University Public Health Partnership; 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. 565-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

**Section 4.** 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 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 Health, Finance, Law; Committees on Health and Human Service, Finance.

**Ord. No. 566-12.**

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

**An emergency ordinance appropriating Community Development Block Grant and HOME funds for administrative expenses of the Department of Community Development.**

Whereas, the City of Cleveland has received Community Development Block Grant, Year 38 funds from the United States Government; 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 Community Development Block Grant funds in the amount of \$4,725,700 from Fund No. 14 SF 038 and HOME funds in the amount of \$399,000 from Fund No. 19 SF 660 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$4,744,700
Other	380,000

**Section 2.** That the Director of Community Development is authorized to expend funds and enter into contracts for reimbursement of non-profit sub-recipients for the cost of audit and other professional services.

**Section 3.** That the costs of the contracts authorized in this ordinance shall be paid from Fund No. 14 SF 038 and Fund No. 19 SF 660.

**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, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 567-12.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up 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 Community Development Block Grant funds in the amount of \$845,000 from Fund Nos. 14 SF 038, RQS 8006-RL 2012-0057, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 19 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to implement the Demolition Program and emergency contracts under the Board-up Program.

**Section 3.** That the Director of Building and Housing 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 or two year period for the items of labor and materials necessary to implement the Board-up Program, 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 Department of Building and Housing. 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. The Director of Building and Housing is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a

financial advantage shall be determined by the Director of Building and Housing by comparing the bids received for both terms.

**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 under a delivery order against the contract or contracts certified by the Director of Finance.

**Section 5.** That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

**Section 6.** That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize the repayments and other program income in a revolving fund for making additional expenditures under this program, and the funds are appropriated for that purpose.

**Section 7.** That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

**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, Building and Housing, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 568-12.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 38, from the United States Government; 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 Community Development Block Grant funds in the amount of Two Hundred Seventy Thousand Dollars (\$270,000) from Fund No. 14 SF 038, RQS 8006-RL2012-0061, are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

**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 Community Development, Aging, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 569-12.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.**

Whereas, the City of Cleveland has received a Community Development Block Grant ("CDBG"), Year 38 from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year 38 Community Development Block Grant Plan which committed funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; 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, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for-profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant CDBG Program and are consistent with the City's Community Development objectives and policies.

**Section 2.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Pro-

gram and are consistent with the City's Community Development objectives and policies.

**Section 3.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

**Section 4.** That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

**Section 5.** That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$7,600,000.00 and any prior years NDA balances and shall be paid from Fund Nos. 14 SF 036, 14 SF 037 and 14 SF 038.

**Section 6.** That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

**Section 7.** That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

**Section 8.** That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

**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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 570-12.  
By Council Member Sweeney (by  
departmental request).**

**An emergency ordinance authorizing and directing the purchase, lease or lease to purchase by requirements contract of various types of vehicles and apparatus for various Divisions in the Departments of Public Works and Public Safety, among others.**

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 hereby authorized and directed to make a written requirements contract in accordance with 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 types of vehicles and apparatus described in the Vehicle List placed in File No. 570-12-A, or such other vehicle or apparatus in substitution thereof as may be approved by the Directors of Public Works and Finance as replacement vehicles or apparatus, in the estimated sum of \$6,477,400, to be purchased, leased or lease to purchase by the Commissioner of Purchases and Supplies upon a unit basis for various Divisions in the Departments of Public Works and Public Safety, among others. 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 said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for a requirements contract for the entire year.

**Section 2.** The cost of said contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurement shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

**Section 3.** That the City may enter into a lease-purchase arrangement for the vehicles and apparatus with a bank, leasing company or any other organization that is not the manufacturer or vendor of the vehicles or apparatus that submitted a bid for the sale, lease or lease to purchase described in Section 1 of this ordinance, provided that: (I) the Director of Finance determines that it is in the best interest of the City to enter into that lease-purchase arrangement, (II) the maximum term of any lease-purchase arrangement does not exceed ten (10) years, (III) the aggregate principal obligation of the City under the lease-purchase arrangement does not exceed \$6,900,000, (IV) if the lease-purchase arrangement provides that the lease payments are to have a principal component and an interest component, the maximum interest rate for the interest component does not exceed seven percent (7%) per annum, (V) the obligations of the City under that lease-purchase

arrangement for fiscal years beginning after December 31, 2012 are subject to annual appropriations being made by the City sufficient to pay the lease payments and to meet the other obligations of the City under that lease-purchase arrangement in each of these fiscal years, and (VI) the obligations of the City thereunder for the current fiscal year do not exceed \$660,000, which amount is hereby appropriated for that purpose. The Director of Finance is authorized and directed to sign and deliver, for and on behalf of the City and in the Director's official capacity, such written agreements, certificates and instruments as may be necessary or appropriate in order to provide for that lease-purchase arrangement under the terms and conditions authorized herein and containing such additional terms and conditions as are acceptable to the Director of Finance and the Director of Law. Those agreements may include a lease-purchase agreement, an escrow agreement for the deposit by the lessor of the purchase price of the vehicles and apparatus, acceptance certificates evidencing the City's acceptance of the vehicles from the vendors, and certificates as to insurance, tax compliance and related matters necessary to carry out the transaction. The lease-purchase arrangement may provide that the lease payments are to have a principal component and an interest component and that the interest component is to be excluded from gross income for federal income tax purposes. In that event, the Director of Finance and other City officials, as appropriate, are authorized to covenant on behalf of the City that (A) the City will use and will restrict the use of the vehicles and apparatus leased by the City under the lease-purchase agreement and will use, and will restrict the investment of, any proceeds of the lease-purchase agreement in such manner and to such extent as may be necessary so that the lease-purchase agreement will not constitute a private activity bond, an arbitrage bond or a hedge bond under the Internal Revenue Code of 1986, as amended (the "Code"), or be treated other than as an obligation to which Section 103(a) of the Code applies, and (B) the City will take or cause to be taken such actions that may be required of it for the interest component of the lease payments to be and to remain excluded from gross income for federal income tax purposes and the City will not take or authorize to be taken any actions that would adversely affect that exclusion. In the event that the City enters into such a lease-purchase arrangement, the Director of Public Works may assign to the lessor under the lease-purchase arrangement, or the lessor's designee, the rights of the City under the contracts for purchase of the vehicles and apparatus authorized in Section 1 of this ordinance. The Director of Law, Clerk of Council and other appropriate officials of the City are authorized to sign and deliver any documents, certificates and other instruments as the Director of Law determines are necessary and appropriate to carry out the transactions authorized by this ordinance.

**Section 4.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance where adopted in open

meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

**Section 5.** 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 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 571-12.  
By Council Members Conwell and  
Sweeney (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of mobile data computers, equipment, and accessories, including maintenance and installation, as needed, for the Divisions of Fire and Emergency Medical Service, Department of Public Safety, for a period of two years.**

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

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

**Section 1.** That the Director of Public 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 two-year period of the necessary items of mobile data computers, equipment, and accessories, including maintenance and installation, as needed, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Fire and Emergency Medical Service, 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 the fund or funds to which are credited the sale of 2012 general obligation bonds authorized by Ordinance No. 271-12, passed April 2, 2012, if the City sells such bonds, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies

under a delivery order against the contract or contracts certified by the Director of Finance.

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of 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 Public Safety, Finance.

**Ord. No. 572-12.  
By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 38 from the United States Government; 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 Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 038, RQS 8006 RL 2012-0059, are appropriated for the reimbursement of administrative expenses of

the Code Enforcement Program following the appropriate federal regulations for the Department of Building and Housing, in conjunction with the Community Development Block Grant Program.

**Section 2.** That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

**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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

**FIRST READING ORDINANCE REFERRED**

**Ord. No. 573-12.**

**By Council Member Mitchell.**

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

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

**Section 1.** That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Union Avenue at its intersection with the centerline of E. 117th Street

Thence southerly along said centerline of E. 117th Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 217 in the Union-Rice Subdivision shown on the Recorded Plat in Volume 47, Page 24 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation of said southerly line and continuing along its westerly prolongation to its intersection with the centerline of E. 116th Street;

Thence northerly along said centerline of E. 116th Street to its intersection with the centerline of Union Avenue;

Thence easterly along said centerline of Union Avenue to its intersection with the centerline of E. 117th Street; and as identified on the attached map is changed to a General Retail Business District, and a 'C' Area District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2392, Sheet No. 10 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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



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

**Ord. No. 574-12.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to make payment using the City credit card for continued use of the domain name for Cleveland City Council.**

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

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

**Section 1.** Notwithstanding any provisions of the Codified Ordinances to the contrary, the Clerk of Council is authorized to make payment to using the City credit card in an amount up to \$500.00 for continued use of the domain name for Cleveland City Council.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 575-12.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into one or more summer internship agreements with various individuals to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business.**

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 Clerk of Council is authorized to enter into one or more summer internship agreements with various individuals to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business, as may be directed by the Clerk or her designees. The agreements may be for terms of any number of weeks starting on or after May 1st and ending on or before August 31st. The individuals shall be paid on an hourly basis in an amount not to exceed 10.00 per hour and shall be certified from fund number 01, subfund 001, department 0101, object 6320.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 576-12.**

**By Council Member Dow.**

**An emergency ordinance authorizing the Director of the Department of Public Works to enter into an agreement with the E.M.S. Rams Youth Development Group, Inc. for the Rams Youth Football and Cheerleading Sports Program through the use of Ward 7 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 Public Works be authorized to enter into an agreement with the E.M.S. Rams Youth Football and Cheerleading Sports Program for the public purpose of providing organized recreational sports activities to city of Cleveland youth through the use of Ward 7 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 577-12.**

**By Council Members Cleveland, Reed and Mitchell.**

**An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with the EL Hasa Temple No. 28 Shrine Temple owned by Mr. William Strawbridge for building renovations and interior improvements through the use of Ward(s) 5, 2 and 6 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of Economic Development be authorized to enter into an agreement with the El Hasa Temple No. 28 Shrine Temple owned by Mr. William Strawbridge located at 1004 Union Avenue, Cleveland, Ohio for the public purpose of exterior build-

ing renovations and interior improvements for economic development and new job creation in the city of Cleveland through the use of Ward(s) 5, 2 and 6 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$3,000 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 578-12.**

**By Council Member Reed.**

**An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to the Progressive Street Club to hang 32 flags from the intersection of East Boulevard and Martin Luther King, Jr. Drive going north to Farrington Avenue, for the period from April 24, 2012 to May 25, 2012, inclusive, publicizing the American flag for peace.**

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 the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to the Progressive Street Club to install, maintain and remove 32 flags from the intersection of East Boulevard and Martin Luther King, Jr. Drive going north to Farrington Avenue, for the period from August 25, 2011 to September 24, 2011, inclusive. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a flag will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said flag and said flag shall be removed promptly upon the expiration of said permit.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

**Res. No. 579-12.**

**By Council Members Reed, Brancatelli, Polensek, J. Johnson, Zone and Mitchell.**

**An emergency resolution supporting the U.S. Department of Transportation's declaration of April as national Distracted Driving Awareness Month.**

Whereas, the U.S. Department of Transportation has declared April national Distracted Driving Awareness Month, continuing Secretary Ray LaHood's push to enact laws banning texting and hand-held cell phone use while driving; and

Whereas, according to the Department of Transportation's website, Distraction.gov, using a cell phone while driving delays the driver's reaction time as much as having a blood alcohol concentration of .08, the legal limit for drunk driving; and

Whereas, drivers who use hand-held devices are four times more likely to get into a crash serious enough to cause injury, and texting drivers are 23 times more likely to be involved in a crash, according to the Department of Transportation; and

Whereas, during a two-week period of stepped up law enforcement, police in Hartford, Connecticut wrote approximately 4,956 tickets and Syracuse, New York police issued 4,446 tickets for violations involving talking or texting on cell phones; and

Whereas, as a result of effective law enforcement and public-service announcements, hand-held cell phone use dropped 56 percent in Hartford and 38 percent in Syracuse, and texting while driving decreased by 68 percent in Hartford and 42 percent in Syracuse; and

Whereas, 37 states across the country have enacted laws banning texting and/or hand-held cell phone use while driving; and

Whereas, distracted driving led to at least 31,000 accidents and automobile crashes in the state of Ohio from 2009 to 2011, and approximately one out of four of those collisions took place in Cuyahoga County, according to information by the State Highway Patrol; and

Whereas, a recently released State Highway Patrol analysis of crash reports linked 74 fatal automobile crashes over a three year period to distracted driving; and

Whereas, Cuyahoga County led the state of Ohio with 7,087 distracted driving crashes, which is more than the combined total from Franklin, Hamilton and Lucas counties, including major metropolitan areas of Columbus, Cincinnati and Toledo; and

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

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

**Section 1.** That this Council supports the U.S. Department of Transportation's declaration of April as national Distracted Driving Awareness Month.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to U.S. Department of Transportation Secretary Ray LaHood.

**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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 580-12.**

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

**An emergency resolution urging the U.S. House of Representatives to support the passage of H.R. 4210 the Restore Our Neighborhoods Act of 2012, which will establish \$4,000,000,000 in new funding through bonding to take on significant residential and commercial structure demolition projects in urban areas.**

Whereas, vacant, uninhabitable, ravaged properties often become a breeding ground for crime and fires, and require a disproportionate amount of government maintenance, from securing properties against criminal activity to removal of garbage and rodents to demolition, all at a cost to taxpayers; and

Whereas, vacant, uninhabitable, ravaged properties reduce city tax revenue in three ways: they are often tax delinquent; their low value means they generate little in taxes; and they depress property values across an entire neighborhood; and

Whereas, the citizens who live in a neighborhood with many vacant and abandoned properties have great difficulty obtaining homeowner's insurance, mortgages and loans for home improvements; and

Whereas, vacant properties degrade and devalue the quality of life for remaining residents, isolating and weakening the neighborhood, and increasing the likelihood that property values will continue to decline and further abandonment will set in; and

Whereas, the City of Cleveland has demolished 6,000 vacant buildings since 2006 at a cost of approximately \$42,000,000; and

Whereas, the City of Cleveland still has approximately 15,000 vacant structures and has limited financial capacity to fund additional demolition at that scale; and

Whereas, H.R. 4210 will create National Urban Demolition Bonds, which will provide \$4 billion for states and establish land banks to issue 30-year demolition bonds; and

Whereas, those states which have been highly impacted by foreclosed and abandoned homes will also benefit from the passage of H.R. 4210; and

Whereas, the H.R. 4210 will allow for more flexibility than the Neighborhood Stabilization Program (NSP), 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.** Urging the U.S. House of Representatives to support the passage of H.R. 4210, the Restore Our Neighborhoods Act of 2012, which will establish \$4,000,000,000 in new funding through bonding to take on significant residential and commercial structure demolition projects in urban areas.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Barack Obama, President of the United States, John Boehner, Speaker, U.S. House of Representatives, Marcia Fudge, Congresswoman, Steven LaTourette, Congressman, Marcy Kaptur, Congresswoman, Dennis Kucinich, Congressman, John Kasich, the Governor of the State of Ohio, Frank G. Jackson, Mayor, City of Cleveland.

**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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 581-12.**

**By Council Member Cimperman**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 75 Public Square, Unit 101 and repealing Resolution No. 1166-11, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 75 Public Square, Unit 101 by Resolution No. 1166-11 adopted by the Council on August 17, 2011; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Prime 75, inc., 75 Public Square, Unit 101, Cleveland, Ohio 44113, Permanent Number 7085792 be and the same is hereby withdrawn and Resolution No. 1166-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 582-12.**

**By Council Member Pruitt.**

**An emergency resolution with drawing objection to the transfer of liquor license of a D1, D2, D3, D3A and D6 Liquor Permit at 16800 Miles Road and repealing Resolution No. 218-12, objecting to said transfer.**

Whereas, this Council objected to the transfer of liquor license of a D1, D2, D3, D3A and D6 Liquor Permit to Sipp & Chat, Inc., 16800 Miles Road, Cleveland, Ohio 44128, Permanent Number 8194664 by Resolution No. 218-12 adopted by the Council on February 27, 2012; and

Whereas, this Council wishes to withdraw its objection to the above transfer of liquor license 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 a D1, D2, D3, D3A and D6 Liquor Permit to Sipp & Chat, Inc., 16800 Miles Road, Cleveland, Ohio 44128, Permanent Number 8194664 be and the same is hereby withdrawn and Resolution No. 218-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**SECOND READING EMERGENCY ORDINANCE**

**Ord. No. 550-12.**

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

An ordinance authorizing the amendment and extension of the franchise with Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes.

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 243-12.**

**By Council Members Brady, Polensek, Westbrook, Mitchell, Cummins and J. Johnson.**

An emergency ordinance to amend Section 623.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1020-76, passed June 14, 1976, relating to spray painting property.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Legislation, Finance, when amended, as follows:

1. In Section 1, at amended Section 623.10(b)(2), line 7 and 8, strike "**No part of this sentence shall, in any case whatsoever be suspended or otherwise reduced.**".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 253-12.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the 2012 Cleveland Youth Summer Employment Program.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 270-12.**

**By Council Members Conwell, Mitchell and Sweeney (by departmental request).**

An emergency ordinance to amend Sections 621.10 and 621.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1414-86, passed November 3, 1986 and Ordinance No. 1020-76, passed June 14, 1976, relating to telecommunications harassment and threatening or harassing telecommunications.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 398-12.**

**By Council Members Conwell and Sweeney (by departmental request).**

An emergency ordinance to amend the title and Sections 1, 2, 4, and 6 of Ordinance No. 812-10, passed July 14, 2010, relating to the 2009 Port Security Grant.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 403-12.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of cremation services for indigent dead, for the Division of Health, Department of Public Health, for a term of two years.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance, when amended, as follows:

1. In the title, at the end, strike the period and insert "**, with two one-year options to renew, exercisable by the Director of Public Health.**".

2. In Section 1, line 3, after "two years" insert "**, with two one-year options to renew, exercisable by the Director of Public Health.**".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 409-12.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with SourceLink, Ohio LLC to provide various services relating to the customer care and billing system for the Divisions of Water and Cleveland Public Power, for a period up two years, with two one-year options to renew, the first of which requires additional legislative authority.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 454-12.**

**By Council Members Conwell and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the FY 2010 Assistance to Firefighters Grant - Fire Prevention & Safety Program; and to enter into various written standard purchase and requirement contracts needed for the purchase and installation of the Knox Sentralock Master Key Retention System in emergency suppression vehicles within the Division of Fire, including labor.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Legislation, Finance, when amended, as follows:

1. In the title, strike lines 7 and 8 in their entirety and insert "**one or more requirement contracts without competitive bidding with the Knox Company for the purchase**".

2. Strike Section 4 in its entirety and insert the following:

**"Section 4. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than the Knox Company. Therefore, the Director of Public Safety is autho-**

ized to make one or more written requirement contracts with the Knox Company, for the requirements for a period not to exceed the grant term of the necessary items of the purchase and installation of the Knox Sentralock Master Key Retention system in emergency suppression vehicles within the Division of Fire, including labor if needed, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Fire, Department of Public Safety.”.

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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.

#### LAI D ON THE TABLE

##### Ord. No. 207-11.

By Council Member Brady.

An emergency ordinance to amend Section 623.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1020-76, passed June 14, 1976 relating to spray painting property.

##### Ord. No. 397-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Pet Fund for the Ohio Pet Program.

Without objection, Ordinance No. 207-11 and Ordinance No. 397-12 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 207-11 and Ordinance No. 397-12. Laid on the Table.

#### MOTION

By Council Member Zone, seconded by Council Member Mitchell and unanimously carried that the absence of Council Member Joe Cimperman, be and is hereby authorized.

#### MOTION

The Council Meeting adjourned at 8:35 p.m. to meet on Monday, April 30, 2012 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

#### THE CALENDAR

The following measure will be on its final passage at the next meeting:

##### Ord. No. 550-12.

By Council Members Kelley and Sweeney (by departmental request). An ordinance authorizing the amendment and extension of the

franchise with Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes.

#### BOARD OF CONTROL

April 18, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 18, 2012 at 10:38 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson.

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

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

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

##### Resolution No. 146-12.

By Director Dumas.

Whereas, under Board of Control Resolution No. 34-11, adopted on February 2, 2011, the City of Cleveland entered into City Contract No. RC2011000000023 with Dougherty Lumber Co., Inc. for an estimated quantity of lumber and supplies, for the various divisions of City government; and

Whereas, Board of Control Resolution No. 34-11, adopted on February 2, 2011, was amended by Board of Control Resolution No. 58-11, adopted on February 23, 2011, to list the correct items recommended for Contract No. RC2011000000023; and

Whereas, by its letter of April 10, 2012, Binkowsky-Dougherty Distribution, LLC requested the City's consent to assignment and assumption of the contract from Dougherty Lumber Co., Inc.; and

Whereas Binkowsky-Dougherty Distribution, LLC has agreed to honor all quotes, purchase orders, and obligations of Dougherty Lumber Co., Inc. under, and the terms and conditions of, Contract No. RC2011000000023, including the option to renew for one additional year; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that this Board acknowledges and consents to the assignment of City Contract No. RC2011000000023 from Dougherty Lumber Co., Inc. to Binkowsky-Dougherty Distribution, LLC.

Be it further resolved that the Director of Finance is authorized to execute any documents necessary to effect and recognize the City's consent to assignment of Contract No. RC2011000000023 granted above. A copy of the consent to assignment and the assignment of the contract shall be filed with the original of the contract in the custody of the Commissioner of Accounts.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Act-

ing Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

##### Resolution No. 147-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 203-12, passed by the Council of the City of Cleveland on April 9, 2012, Hylant Group is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement the regularly employed staff of the Public Utilities Department of the City of Cleveland to perform the professional services necessary for fire and extended coverage property insurance for facilities and equipment within the Division of Cleveland Public Power, for a period of one year with two one-year options to renew, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Hylant Group, based on its proposal dated April 10, 2012, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services necessary to provide fire and extended coverage property insurance as described in the proposal for a fee of not to exceed \$495,000, including oil testing and other loss control services, and utilizing loss deductibles of \$250,000 per occurrence for all losses including turbines, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultant is approved:

SUB-CONSULTANT	AMOUNT PERCENTAGE
Pinkney-Perry Insurance Agency (MBE/CSB)	\$4,858.80 1% of premium (equal to 10% of Hylant's compensation as broker)

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

Nays: None.

Absent: Mayor Jackson.

##### Resolution No. 148-12.

By Director Withers.

Whereas, under Board of Control Resolution No. 326-11 adopted on July 13, 2011, the City of Cleveland entered into City Contract No. RC2011\*008 with East Jordan Iron Works, Inc. for an estimated quantity of casting items, items 29, 30 & 34, 33 & 36, 37 through 48, 49 through 61, 65 through 69, and 73, for the Divisions of Cleveland Public Power, Water, and Water Pollution Control, Department of Public Utilities; and

Whereas, by its letter dated February 21, 2012, East Jordan Iron Works, Inc. informed the City that since January 6, 2012, it has been

conducting business and performing Contract No. RC2011\*008 as EJ USA, Inc. upon all terms and conditions of the contract; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland, that this Board acknowledges the change of name of East Jordan Iron Works, Inc. to EJ USA, Inc. under Contract No. RC2011\*008 from and after January 6, 2012.

Be it further resolved, that the Director of Public Utilities is authorized to execute all documents and do all things necessary to implement the name change of East Jordan Iron Works, Inc. to EJ USA, Inc. acknowledged above. A copy of the acknowledgement shall be filed with the original of the contract in the custody of the Commissioner of Accounts.

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 149-12.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc. for the public improvement by requirement contract of the 2012 Concrete Requirements Contract, all items, for the Office of Capital Projects, received on January 19, 2012, under the authority of Ordinance No. 1603-11 as amended by Ordinance No. 531-12, respectively passed by Cleveland City Council on December 5, 2011 and April 16, 2012, upon a unit price basis for the improvements to be performed as ordered during the period of one year starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$3,842,500.00, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is authorized to enter into a requirement contract for the improvement, which contract shall provide for an initial order for performance of work which shall be certified to the contract in an amount not less than \$1,500,000.00.

The requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

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

TechReady Mix, Inc.  
5000 Crayton Avenue  
Cleveland, Ohio 44104  
(CSB) — \$840,000.00 — 21.86%

Cuyahoga Supply and Tool, Inc.  
5340 Perkins Road  
Cleveland, Ohio 44146  
(CSB) — \$175,500.00 — 4.57%

CorStone, LTD.  
3100 East 45th Street  
Cleveland, Ohio 44127  
(CSB) — \$87,000.00 — 2.26%

PGT Construction, Inc.  
9900 York-Theta Drive  
North Royalton, Ohio 44133  
(CSB) — \$75,000.00 — 1.95%

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 150-12.**

By Director Rush.

Whereas, Board of Control Resolution No. 134-12, adopted April 4, 2012, authorized the sale and development of Permanent Parcel No. 003-35-050 to John W. Sweeney or J S & Associates, LLC for a parking lot, as part of the City Land Reutilization Program established under Ordinance No. 2076-76, passed by the Cleveland City Council on October 25, 1976; and

Whereas, Resolution No. 134-12 incorrectly stated the passage date of the Ordinance No. 134-12 to be March 26, 2012; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 134-12, adopted by this Board April 4, 2012, authorizing the sale and development of Permanent Parcel No. 003-35-050 to John W. Sweeney or J S & Associates, LLC for a parking lot, is amended by substituting "March 19, 2012" for "March 26, 2012", where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 134-12 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 151-12.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 020-02-025 located at 13344 Wainfleet Avenue in Ward 18; and

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

Whereas, Phillip A. Campbell proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 18 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Phillip A. Campbell for the sale and development of Permanent Parcel No. 020-02-025 located at 13344 Wainfleet Avenue, Cleveland, OH. 44135, 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 said parcel shall be \$400.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 152-12.**

By Director Nichols.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 461-11, passed by the Council of the City of Cleveland on April 25, 2011, Hull & Associates, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Economic Development as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City of Cleveland to perform the professional environmental assessment, remediation, and/or redevelopment assistance services necessary to implement the Clean Ohio Assistance Fund Grant project consisting of the proposed redevelopment of the former Brookpark landfill located at Kolthoff Road and I-X Center Drive.

Be it further resolved that the Director of Economic Development is authorized to enter into a contract with Hull & Associates, Inc. for the above-mentioned services based on its proposal dated February 10, 2012, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$299,377, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors 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 stated in the examination announcement.

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

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

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 7, 2012**

**9:30 A.M.**

**Calendar No. 12-63:** 2906 Fulton Road (Ward 14)

Caribe Development LLC, owner, and Luis Burgos, appeal to expand a restaurant use to include a bakery and an entertainment center in a B1 Local Retail Business District on the northwest corner of Fulton Road and Seymour Avenue; subject to the limitations under Section 343.01 the proposed entertainment center is not permitted and first permitted in a General Retail Business District subject to the regulations of Section 347.12; and contrary to Section 349.04(c) 50 parking spaces are proposed and 71 off-street spaces are required; and no entertainment use shall be established within 500 feet of a residential district or day care, kindergarten, elementary or secondary school, public library, church, playground, public or non-profit recreation or community center; nor shall such use be established within 500 feet of another such use according to the provisions under Sections 347.12(a)(1) and 347.12(a)(2) in the Cleveland Codified Ordinances.

**Calendar No. 12-64:** 662 East 140th Street (Ward 10)

Joseph Saleh, owner, appeals to establish use as a retail grocery store with two residential units in an existing two-story building on a

40' x 120' lot in a C1 Residence Office District; subject to the limitations under Section 337.10, a retail grocery store is not a permitted use and is first permitted in a Local Retail Business District; and according to Cleveland Codified Ordinance 359.02(a)(b), a nonconforming use of a building or premises which has been discontinued shall not thereafter be returned to such nonconforming use and shall be considered discontinued:

(1) when the intent of the owner to discontinue the use is express; or (2) when the use is voluntarily discontinued for six (6) months or more the intent to voluntarily discontinue a use may be implied from acts or the failure to act, including, but not limited to, the removal of and failure to replace the characteristic equipment and furnishings; or, (3) the cessation of business operations for two (2) years or more unless the cessation of business operations was caused by factors out of the control of the business such as the disability or illness of the proprietor or governmental action unrelated to the behavior of the business; and if the business operations have ceased for more than two (2) years, the presence of characteristic equipment and furnishings is not relevant.

**Calendar No. 12-68:** 13626 Beachwood Avenue (Ward 1)

Georgia Clark, owner, appeals to erect a 4' x 5' pre-manufactured wheelchair lift in the front yard area of a single family dwelling on a 40' x 155' parcel in an A1 One-Family District; and subject to the limitations under Section 329.04(c)(1) in the Cleveland Codified Ordinances, the proposed wheelchair lift is not a permitted encroachment in the front yard area.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, APRIL 23, 2012**

At the meeting of the Board of Zoning Appeals on Monday, April 23, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

**Calendar No. 12-51:** 5320 Stanard Avenue

Cuyahoga County Board of Developmental Disabilities, owner, and Solutions at Work appealed for an addition to an existing school in a B1 Two-Family District.

**Calendar No. 12-57:** 4178 West 59th Street

Sharon Clemons appealed to erect 124 lineal feet of 4 feet high chain link fence in the front yard area of a parcel in an A1 One-Family District; subject to conditions.

The following appeal was **DENIED:**

**Calendar No. 11-191:** 3821 Lorain Avenue

Mig Ltd. Company and Ellen Mueller, appealed to establish use as

a motor vehicle service garage (tire installation) in a D3 Local Retail Business District.

The following appeal was **WITHDRAWN:**

**Calendar No. 12-28:** 12945 Lorain Avenue

Joseph Coreno appealed to establish use for auto sales and auto minor repair garage under Section 325.482 of the Cleveland Codified Ordinances in a General Retail Business District.

The following appeal was **DISMISSED:**

None.

The following appeals were **POSTPONED:**

**Calendar No. 12-60:** 2619 Vestry Avenue postponed to 5-14-12.

**Calendar No. 12-27:** 2202 Prame Avenue postponed to 5-14-12.

The following appeals heard by the Board on April 16, 2012 were adopted and approved on April 23, 2012.

The following appeals were **APPROVED:**

**Calendar No. 12-43:** 1401 Prospect Avenue

PSC Hanna Building LLC, owner, and Hanna Annex, LLC, prospective purchaser, appealed to change use from offices to apartments in an existing eight (8) stories building in an E5 General Retail Business District.

**Calendar No. 12-52:** 3136 West 90th Street

Jerry Riffle appealed to erect 90 lineal feet of 4 feet high chain link fence along the front and setback of a vacant portion of a consolidated lot; subject to conditions.

**Calendar No. 12-53:** 11125 Magnolia Drive

The Cleveland Music Settlement appealed to install a temporary tent for a period of 180 days from April 9 to October 9, 2012.

The following appeal was **DENIED:**

**Calendar No. 12-49:** 16321 Telfair Avenue

Faith Walk Fellowship Church appealed to change use of a single family residence to a church in an A1 One-Family District

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

NO MEETING

**PUBLIC NOTICE**

NONE

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

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, May 9, 2012  
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on May 9, 2012, at 1:00 p.m., to consider the following ordinances now pending in the Council:

**Ord. No. 737-10.**

By Council Member Cleveland.  
An ordinance changing the Use, Area and Height Districts of land bounded by Quincy Ave., E. 79 St., E. 71st St., Platt Ave. and Woodland Ave. to a Semi-Industry District, a 'C' Area District and a '1' Height District (Map Change No. 2323; Sheet No. 5).

**Ord. No. 746-10.**

By Council Members Mitchell and Cleveland.  
An ordinance changing the Use and Height Districts of lands on the south side of Cedar Ave. between E. 76 St. and E. 80 St. to Local Retail Business and a '2' Height District (Map Change No. 2334; Sheet No. 5).

**Ord. No. 747-10.**

By Council Member Mitchell.  
An ordinance changing the Use, Area and Height Districts of lands on the south side of Central Avenue between E. 79 St. and E. 83 St. to Multi-Family Residential, a 'C' Area District and a '1' Height District (Map Change No. 2331; Sheet No. 5).

**Ord. No. 748-10.**

By Council Member Mitchell.  
An ordinance changing the Use, Area and Height Districts of lands on the south side of Central Ave. to Quincy Ave. between E. 82 St. and E. 83 St. to Open Space and Recreation, an 'A' Area District and a '1' Height District (Map Change No. 2330; Sheet No. 5).

**Ord. No. 749-10.**

By Council Member Mitchell.  
An ordinance changing the Use and Height Districts of lands on the northwest corner of E. 79 St. and Quincy Ave. to Local Retail Business and a '1' Height District (Map Change No. 2332; Sheet No. 5).

**Ord. No. 755-10.**

By Council Member Mitchell.  
An ordinance changing the Use District of land on the north side of Woodland east of East 79th St. and west of E. 86 St. shown shaded on the attached map to a Residence-Industry District (Map Change No. 2324; Sheet No. 5).

**Ord. No. 757-10.**

By Council Member Cleveland.  
An ordinance changing the Use District of land on the northwest corner of Woodland and E. 79th St. to Local Retail Business (Map Change No. 2325; Sheet No. 5).

**Ord. No. 758-10.**

By Council Member Mitchell.  
An ordinance changing the Use District of lands on the north side of Quebec Ave., between E. 103 St. and E. 105 St. south of Cedar Ave. to Residence Office District (Map Change No. 2328; Sheet No. 5).

**Ord. No. 759-10.**

By Council Member Mitchell.  
An ordinance changing the Use and Height Districts of lands on the south side of Quincy Ave. between E. 79 St. and E. 82nd St. to Local Retail Business and a '1' Height District (Map Change No. 2329; Sheet No. 5).

**Ord. No. 760-10.**

By Council Member Mitchell.  
An ordinance changing the Use District of lands on the southeast corner of Quincy Ave. and E. 93rd St. to Institutional-Research (Map Change No. 2327; Sheet No. 5).

**Ord. No. 761-10.**

By Council Member Mitchell.  
An ordinance changing the Use and Height Districts of lands on the north side of Quincy Ave. between E. 93 St. and E. 105 St. to Local Retail Business, a 'C' Area District and a '1' Height District (Map Change No. 2333; Sheet No. 5).

**Ord. No. 1225-11.**

By Council Member Zone.  
An ordinance to change the Use District of land located on the northwest corner of W. 65th Street and Storer Avenue from Shopping Center to General Industry (Map Change No. 2369, Sheet Number 2).

**Ord. No. 277-12.**

By Council Members Cummins and Cimperman.  
An ordinance to change the Use, Area and Height Districts of lands fronting on Scranton Road between Parafine Avenue to land south of Barber Avenue to Local Retail, Multi-Family or Two Family, a 'B' Area District and a '1' Height District as shown shaded on the attached map (Map Change No. 2387, Sheet Numbers 1).

**Ord. No. 278-12.**

By Council Member Cummins.  
An ordinance to change the Use and Area Districts of land fronting on Scranton Road between Wade Avenue and Castle Avenue to Open Space and Recreation, One or Two Family Residential and an A or B Area District as shown shaded on the attached map (Map Change No. 2389, Sheet Number 1).

**Ord. No. 279-12.**

By Council Member Cummins.  
An ordinance to change the Use and Height Districts of lands fronting on the east and west sides of Scranton Road near Buhner Avenue and Kinkel Avenue as shown shaded on the attached map to a Multi-Family Residential District and a '1' Height District (Map Change No. 2388, Sheet Number 1).

**Ord. No. 285-12.**

By Council Member Cummins.  
An ordinance establishing a Pedestrian Retail Overlay District (PRO) on land fronting on West 25 Street between Barber Avenue and Library Avenue and To change the Use, Area and Height Districts of land located on the east and west sides of West 25th Street and Clark Avenue to General or Local Retail and Multi-Family, a 'C' Area District

and a 2 or a 1 Height District as identified on the attached maps (Map Change No. 2390, Sheet Numbers 1 & 2).

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

Phyllis E. Cleveland  
Chair  
Committee on City Planning

April 25, 2012 and May 2, 2012

**CITY OF CLEVELAND BIDS****For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**FRIDAY, MAY 11, 2012**

**File No. 43-12 — 1201 Lakeside Avenue Marble Emergency Repairs (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2081-06, passed by the Council of the City of Cleveland, March 5, 2007.**

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER**

(NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, APRIL 26, 2012 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 45-12 — Ductile Iron Pipe and Fittings**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, APRIL 26, 2012 AT 10:30 A.M. THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, PIPE REPAIR CONFERENCE ROOM, CLEVELAND, OHIO 44105.

April 18, 2012 and April 25, 2012

**WEDNESDAY, MAY 16, 2012**

**File No. 46-12 — Landscape Materials & Supplies (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 WEDNESDAY, MAY 2, 2012 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 47-12 — Various Pool Chemicals, Re-location and Transporting of Various Swimming Pool Chemicals**, for the Various Divisions of Recreation, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, APRIL 26, 2012 AT 2:00 P.M. THE CLEVELAND CITY HALL, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 49-12 — Virgin Asphalt Concrete**, for the Division of Streets, Department of Public Works, as authorized by Ordinance No. 1715-11, passed by the Council of the City of Cleveland, January 9, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, APRIL 27, 2012 AT 11:30 A.M. THE CITY OF CLEVELAND, DIVISION OF STREETS, ROOM 25, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 50-12 — Fence Installation, Maintenance and/or Repair**, for the Divisions of Water Pollution Control, Water & Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 395-09, passed by the

Council of the City of Cleveland, April 20, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, APRIL 27, 2012 AT 11:00 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

April 18, 2012 and April 25, 2012

**THURSDAY, MAY 17, 2012**

**File No. 44-12 — Pipe Repair Couplings for Groups A & B**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, APRIL 26, 2012 AT 11:30 A.M. THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, PIPE REPAIR CONFERENCE ROOM, CLEVELAND, OHIO 44105.

April 18, 2012 and April 25, 2012

**WEDNESDAY, MAY 23, 2012**

**File No. 48-12 — Building Materials and Used Bricks**, 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 WEDNESDAY, MAY 9, 2012 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 18, 2012 and April 25, 2012

**FRIDAY, MAY 18, 2012**

**File No. 54-12 — Purchase New Electric Motors and Pumps Including Labor and Materials**, for the Division of Property Management, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, MAY 3, 2012 AT 10:30 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 12 (CUSTODIAN'S OFFICE), CLEVELAND, OHIO 44114.

April 25, 2012 and May 2, 2012

**WEDNESDAY, MAY 23, 2012**

**File No. 51-12 — Labor and Materials Necessary to Maintain and Repair Heating, Ventilation and Air Conditioning Systems**, for the Various Divisions 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 THURSDAY, MAY 3, 2012 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS, CLEVELAND, OHIO 44114.

**File No. 52-12 — Purchase of Necessary Items of Fencing and Gates, Including Labor and Materials for Repair and Installation (Re-Bid)**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 808-11, Passed by the Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING TUESDAY, MAY 8, 2012 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

**File No. 53-12 — Maintain and Repair Automatic Doors, Including Labor and Installation**, for the Various Divisions 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, MAY 4, 2012 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

**File No. 57-12 — Necessary Items of Air Filters to Maintain and Repair Heating, Ventilation and Air Conditioning Systems**, for the Various Divisions 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 MONDAY, MAY 7, 2012 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS, CLEVELAND, OHIO 44114.

April 25, 2012 and May 2, 2012

**THURSDAY, MAY 24, 2012**

**File No. 55-12 — Purchase of Various Compressor, Vehicle Lifts and Related Equipment Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 16, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, MAY 4, 2012 AT 10:30 A.M. THE DIVISION OF MOTOR



VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**File No. 56-12 — Towing and Winching Services**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 16, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 4, 2012 AT 10:00 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**File No. 58-12 — Tree Trimming Services**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 628-11, passed by the Council of the City of Cleveland, December 16, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 4, 2012 AT 10:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 59-12 — Tasers and Related Equipment**, for the Division of Police, Department of Public Safety, as authorized by Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 3, 2012 AT 10:00 A.M. THE CLEVELAND POLICE HEADQUARTERS, 1300 ONTARIO, 7TH FLOOR, POLICE ACADEMY AVENUE, CLEVELAND, OHIO 44113.

April 25, 2012 and May 2, 2012

### ADOPTED RESOLUTIONS AND ORDINANCES

#### Res. No. 541-12.

**By Council Member Cimperman**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue and repealing Resolution No. 968-11, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue by Resolution No. 968-11 adopted by the Council on July 20, 2011; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue and basement, Cleveland, Ohio 44114, Permanent Number 2779680 be and the same is hereby withdrawn and Resolution No. 968-11, containing such

objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 16, 2012.

Effective April 20, 2012.

#### Res. No. 542-12.

**By Council Member Cimperman.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit at 806 Literary Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of D5 Liquor Permit from Grape Devine, Inc., 806 Literary Avenue, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 33293330005 to Justin Hughes, LLC, 806 Literary Avenue, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 44169950005; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of D5 Liquor Permit from Grape Devine, Inc., 806 Literary Avenue, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 33293330005 to Justin Hughes, LLC, 806 Literary

Avenue, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 44169950005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 16, 2012.

Effective April 20, 2012.

#### Res. No. 543-12.

**By Council Member Cummins.**

**An emergency resolution withdrawing objection to the transfer of stock of a D2, D2X, D3 and D3A Liquor Permit at 4995-97 Denison Avenue and repealing Resolution No. 1727-11, objecting to said transfer.**

Whereas, this Council objected to the transfer of stock of a D2, D2X, D3 and D3A Liquor Permit to Pink Slips, Inc., 4995-97 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent No. 6932324 by Resolution No. 1727-11 adopted by the Council on December 5, 2011; 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 a D2, D2X, D3 and D3A Liquor Permit to Pink Slips, Inc., 4995-97 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent No. 6932324 be and the same is hereby withdrawn and Resolution No. 1727-11, 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.

Passed April 16, 2012.

Effective April 20, 2012.

#### Res. No. 544-12.

**By Council Member Zone.**

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit at 4757 Lorain Avenue.**

Whereas, Council has been notified by the Department of Liquor

Control of an application for the transfer of ownership of C1 and C2 Liquor Permit from Sunrise Food Mart, Inc., DBA Sunrise Food Mart, 4757 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 8697416 to MGM Investment & Trade, Inc., 4757 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 5896931; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of C1 and C2 Liquor Permit from Sunrise Food Mart, Inc., DBA Sunrise Food Mart, 4757 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 8697416 to MGM Investment & Trade, Inc., 4757 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 5896931; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 16, 2012.  
Effective April 20, 2012.

**Ord. No. 79-12.**  
**By Council Members K. Johnson, Mitchell, and Sweeney (by departmental request).**

**An emergency ordinance to amend Section 1 of Ordinance No. 1578-11, passed December 5, 2011, relating to one or more concession agreements for the operation of first-class food and beverage service in connection with renting the Rotunda in City Hall.**

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. 1578-11, passed December 5, 2011, is amended to read as follows:

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works is authorized to enter into a Concession Agreement on the basis of competitive proposals for the operation of first-class food and beverage service in connection with renting the Rotunda in City Hall under Section 131.081 of the Codified Ordinances and for marketing the rental of the Rotunda for catered events, for a period not to exceed two years, with a one-year option to renew exercisable by the Director of Public Works. The selection of the concessionaire or concessionaires shall be made by the Board of Control on the nomination of the Director of Public Works. The concession fee to be paid to the City shall be fixed by the Board of Control.

**Section 2.** That existing Section 1 of Ordinance No. 1578-11, passed December 5, 2011, is repealed.

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

Passed April 16, 2012.

Effective April 20, 2012.

**Ord. No. 216-12.**  
**By Council Members Kelley, Mitchell and Sweeney (by departmental request).**

**An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1576-11, passed December 5, 2011; relating to the Cleveland Public Power energy adjustment charge.**

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 rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, fixed by the Board of Control by the adoption of Resolution No. \_\_\_\_\_, on \_\_\_\_\_, are approved.

**Section 2.** That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1576-11, passed December 5, 2011, is amended to read as follows:

**Section 523.21 Energy Adjustment Charge**

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated under divisions (c)(1) and (2) of this section.

(c) (1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers by the total kilowatt hours distributed to residential customers. The incremental charge calculated herein shall be adjusted by subtracting 15 mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and 9.75 mils per kilowatt hour for all other residential customers.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power and kilowatt hours from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Sections 523.048 and 523.049. The incremental charge calculated herein shall be adjusted by subtracting 3.0 mils per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during such month as herein provided.

**Section 3.** That existing Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1576-11, passed December 5, 2011, is repealed.

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

Passed April 16, 2012.

Effective April 20, 2012.

**Ord. No. 246-12.**

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

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 131.67 relating to authorizing standard and requirement contracts for labor and materials for capital maintenance and repair of City facilities.**

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 131.67 to read as follows:

**Section 131.67 Labor and Materials for Capital Maintenance and Repair of City Facilities**

(a) The Director of Public Works is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for materials, equipment, services, and supplies necessary for capital maintenance and repair of City facilities, and labor and installation, if necessary. Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purchase.

(b) That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works 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 2.** That new Section 131.67 as enacted by this ordinance shall expire and be of no further force and effect two years after the date of passage of this ordinance.

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

Passed April 16, 2012.  
Effective April 20, 2012.

**Ord. No. 256-12.**

**By Council Member K. Johnson and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers, provide leadership training and conduct citywide tennis programs.**

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; and

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

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

**Section 1.** That the Director of Public Works is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers, provide leadership training and conduct citywide summer tennis programs, in an amount not to exceed \$289,511, payable from Fund Nos. 01-7004-6380, Request No. RQS 7004, RL 2012-27.

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

Passed April 16, 2012.  
Effective April 20, 2012.

**Ord. No. 266-12.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Downtown Cleveland Alliance to provide a portion of the cash match required for the expansion of the downtown trolley service.**

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 Downtown Cleveland Alliance to provide, as a one-time grant, a portion of the cash match required for the expansion of the downtown trolley service.

**Section 2.** That the costs of the grant shall not exceed an amount of \$100,000 and shall be paid from Fund No. 17 SF 652, RQS 9501, RL 2012-37.

**Section 3.** That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

**Section 4.** That prior to entering into the grant agreement, the Director of Economic Development will obtain a commitment from the Regional Transit Authority to continue operating the current downtown trolley service during the three-year term of the grant.

**Section 5.** That the document labeled "Memorandum of Understanding" dated April 6, 2012, as presented to the Finance Committee of this Council, and when executed, the grant agreement and other documents needed to complete the transaction, shall be placed in File No. 266-12-A.

**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.

Passed April 16, 2012.  
Effective April 20, 2012.

**Ord. No. 269-12.**

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

**An emergency ordinance authorizing the Director of Building and Housing to apply for and accept a grant from the Cuyahoga County Prosecutor's Office for the County Delinquent Tax and Assessment Collection Fund Grant Program; authorizing the director to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to perform nuisance abatements of deteriorated residential buildings following foreclosure, including but not limited to, demolitions, board-ups, and lot maintenance; and authorizing the purchase by one or more requirement contracts of labor and materials necessary 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 Building and Housing is authorized to apply for and accept a grant in the amount of \$1,000,000, from the Cuyahoga Prosecutor's Office to conduct the County Delinquent Tax and Assessment Collection Fund Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the letter to William D. Mason dated February 28, 2012 for the grant described below.

**Section 2.** That the letter to William D. Mason dated February 28, 2012 for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 269-12-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 Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to perform nuisance abatements, under this grant, of deteriorated residential buildings following foreclosure, including but not limited to, demolitions, board-ups, and lot maintenance.

**Section 4.** That the Director of Building and Housing 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 term for the items of labor and materials necessary to implement this grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Building and Housing. 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 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 under a delivery order against the contract or contracts 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 Building and Housing 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 Director of Finance is authorized to accept monies in repayment of nuisance abatements performed under this grant, including any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Fees collected under this grant shall be deposited into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under this grant as described in the file, and the funds are appropriated for that purpose.

**Section 8.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of fees under the City's Demolition and Board-up Programs.

**Section 9.** That the cost of any contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and from the revolving fund mentioned above.

**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.

Passed April 16, 2012.  
Effective April 20, 2012.

**Ord. No. 390-12.**  
**By Council Members Keane and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF 2011-022 with Servisair USA, Inc. to provide for the use of office space at Cleveland Hopkins International Airport for office and storage space to support ground handling operation services.**

Whereas, under the authority of Ordinance No. 1034-10, passed October 18, 2010, the Director of Port Control entered into Contract No. NF 2011-022 with Servisair USA, Inc. for the use of office space at Cleveland Hopkins International Airport ("Leased Premises") for office and storage space to support ground handling operation services; and

Whereas, Ordinance No. 1034-10 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased Premises, Servisair USA, Inc. shall pay the City an annual fee as specified in the contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. NF 2011-022 with Servisair USA, Inc. for an additional year for the use of Leased Premises at Cleveland Hopkins International Airport for office and storage space to support ground handling operation services. This ordinance constitutes the additional legislative authority required by Ordinance No. 1034-10 to exercise this option.

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

Passed April 16, 2012.  
Effective April 20, 2012.

**Ord. No. 391-12.**  
**By Council Members Keane and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF 2011-037 with Servisair USA, Inc. to provide for the operation of an air cargo facility in the North Cargo Facility Building at Cleveland Hopkins International Airport.**

Whereas, under the authority of Ordinance No. 1184-10, passed November 8, 2010, the Director of Port Control entered into Contract No. NF 2011-037 with Servisair USA, Inc. to provide for the operation of an air cargo facility in the North Cargo Facility Building ("Leased Premises") at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 1184-10 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased Premises, Servisair USA, Inc. shall pay the City an annual fee as specified in the contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. NF 2011-037 with Servisair USA, Inc. for an additional year for the use of the Leased Premises to provide for the operation of an air cargo facility in the North Cargo Facility Building at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1184-10 to exercise this option.

**Section 2.** That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

Passed April 16, 2012.  
Effective April 20, 2012.

**Ord. No. 392-12.**  
**By Council Members Keane and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69925 with Brown Eagle Construction, LLC to provide for the use and occupancy of certain City-owned property located in the passenger terminal building at Burke Lakefront Airport.**

Whereas, under the authority of Ordinance No. 1544-09, passed November 23, 2009, the Director of Port Control entered into Contract No. 69925 with Brown Eagle Construction, LLC ("Brown Eagle") to provide for the use and occupancy of certain City-owned property located in the passenger terminal building at Burke Lakefront Airport for the purpose of supporting their construction management-related activities; and

Whereas, Ordinance No. 1544-09 requires further legislation before exercising the first option to renew the lease; and

Whereas, for the use of the Leased premises, Brown Eagle shall pay the City an annual rent as specified in the lease; 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 Port Control is authorized to exercise the first option to renew Contract No. 69925 with Brown Eagle for an additional year to provide for the use and occupancy of certain City-owned property located in the passenger terminal building at Burke Lakefront Airport for the purpose of supporting their construction management-related activities. This ordinance constitutes the additional legislative authority required by Ordinance No. 1544-09 to exercise this option.

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

Passed April 16, 2012.  
Effective April 20, 2012.

**Ord. No. 405-12.**  
**By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit development organizations, or their designees, to provide financial assistance for preserving affordable lease-**

**purchase housing units and facilitating the acquisition of those units by the existing tenants.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with various non-profit development organizations, or their designees, to provide financial assistance for preserving affordable lease-purchase housing units and facilitating the acquisition of those units by the existing tenants.

**Section 2.** That the aggregate cost of the contract or contracts shall not exceed \$500,000 and shall be paid from Fund No. 14 SF 036, RQS 8006, RL 2012-48.

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

Passed April 16, 2012.

Effective April 20, 2012.

**Ord. No. 455-12.**

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

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept a State of Ohio 166 Program Loan from the Ohio Department of Development to conduct a revolving loan program to make loans or grants to assist with demolition and asbestos abatement of eligible projects; and authorizing the director to enter into one or more contracts with various agencies, entities, or individuals to implement the 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 Economic Development is authorized to apply for and accept a State of Ohio 166 Program Loan from the Ohio Department of Development ("State Loan") in the amount of \$5,000,000 to conduct a program to assist with demolition and asbestos abatement of eligible buildings in eligible areas of the City ("Eligible Projects").

**Section 2.** That the Director of Economic Development is authorized to enter into a loan agreement and amendments to the loan agreement with the State of Ohio for the State Loan, in general accordance with the term sheet placed in File No. 455-12-A, subject to the final approval by the Director of Economic Development. The Director of Economic Development is further authorized to file all papers and execute all documents necessary to receive the funds under the State Loan, and to appropriate the loan funds for the purposes of this ordinance, including the obligation of

the City of Cleveland to provide cash matching funds in the amount of \$670,000, payable from Fund No. 17 SF 965, as a condition to receiving the loan. (RQS 9501, RL 2012-49).

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts with various agencies, entities, or individuals to provide loans or grants to assist with certain demolition and asbestos abatement for Eligible Projects.

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

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

**Section 6.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations. The fees shall be deposited to and expended from the Industrial Commercial Land Bank Fund, 17 SF 965.

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

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

**Section 9.** That any loan or grant entered into under this ordinance shall be authorized when approved by the Mayor and the Council Member in whose ward the project is being given assistance shall submit a letter of support for the project, and, for any loans, the approval of the Cleveland Citywide Development Corporation. 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. That the Director of Economic Development shall provide a quarterly report of the status of the program to the Chair of the Community and Economic Development Committee.

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

**Section 11.** That the Director of Economic Development and the Director of Building and Housing are authorized to enter into Memoranda of Agreement providing for the funding of demolition and asbestos abatement for Eligible Projects, and that the property owners shall be invoiced for

the costs of demolition, asbestos abatement, administrative costs, and any other costs authorized by applicable law, and, when authorized by applicable law, liens shall be filed against the property and that any demolition, abatement, and cost recovery activities are conducted according to the provisions of the Codified Ordinances. That any invoices or liens shall specify that the lien shall be in favor of the City of Cleveland - Industrial Commercial Land Bank.

**Section 12.** That any monies collected as a result of liens and invoices on Eligible Projects shall be transferred to the fund to be designated for the acceptance of repayments by the Director of Finance. That any properties acquired by the City that are subject to liens or charges based on the use of the funds authorized under this ordinance be accepted into the Industrial Commercial Land Bank.

**Section 13.** That on execution of the State Loan agreement, the Director of Economic Development is authorized to repay the loan funds to the State of Ohio under the terms and conditions of the agreement, from the funds approved by the Director of Finance.

**Section 14.** That the costs of each loan or grant and the costs incurred by the Director of Building and Housing pursuant to Memoranda of Agreement between the Director of Building and Housing and the Director of Economic Development shall be paid from the fund or funds to which are credited the proceeds of the loan accepted under this ordinance 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 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.

Passed April 16, 2012.

Effective April 20, 2012.

**Ord. No. 530-12.**

**By Council Member J. Johnson.**

**An emergency ordinance designating the access road leading into the Judge Jean Murrell Capers Tennis Courts at Rockefeller Park off of East 105th Street between Martin Luther King Drive and East Boulevard with an honorary designation of "Forest City Tennis Club Drive."**

Whereas, in 1912, the Forest City Tennis Club ("FCTC") was formed in Cleveland by a group of African-American professional men who challenged the racist exclusionary practices of other clubs, by forming their own; and

Whereas, the club members started playing at a court that was located behind St. John AME Church located at 2261 E. 40th at Central Ave; and

Whereas, FCTC grew and later began competing with other players in the surrounding cities of Pittsburgh, Cincinnati, Louisville, Columbus, Detroit, Chicago and Buffalo; and

Whereas, it eventually grew to include women and children in an annual tournament and opened its membership to all persons regardless of race, creed, or color; and

Whereas, by 1946, and annual tournament rotated between Cleveland, Chicago and Detroit and became known as the Tri-City Tournament and is still going on today; and

Whereas, Tri-City Tournament has grown in size and participants from ten years old to over seventy years old now compete in the following categories: Men's Singles, Men's Doubles, Women's Singles, Women's Doubles, Mixed Doubles and Junior Division; and

Whereas, FCTC began playing at the now newly renovated Rockefeller Park Tennis courts in 1952, and Rockefeller Park became the site for many FCTC Tennis Tournaments and clinics and is used for those purposes today; and

Whereas, three tournaments for amateur players of all skill levels, two of which are sanctioned by the United States Tennis Association, are organized and administered by FCTC each year;

Whereas, the FCTC Junior Tennis program, with FCTC members volunteering their time to teach tennis on Saturdays, was instrumental in developing such prominent plays as Carlos Flemming, Leslie Allen, and Lisa Jones; and

Whereas, many more individuals that participated in the FCTC Junior Tennis program became very productive members of their communities - this is what FCTC Junior Tennis Program hopes to provide for our youth; and

Whereas, the citizens of Glenville want to recognized the importance of the Forest City Tennis Club by designating Access Road between \_\_\_\_\_ Street and \_\_\_\_\_ Street as "Forest City Tennis Club Drive"; and,

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

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

**Section 1.** That the access road leading into the Judge Jean Murrell Capers Tennis Courts at Rockefeller Park off of East 105th Street between Martin Luther King Drive and East Boulevard is designated with an honorary designation of "Forest City Tennis Club Drive."

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

Passed April 16, 2012.  
Effective April 16, 2012.

**Ord. No. 531-12.**

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

**An emergency ordinance to amend Section 3 of Ordinance No. 1603-11, passed December 5, 2011, relating to the public improvement of repairing**

**and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, curb ramps, brick streets.**

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 3 of Ordinance No. 1603-11, passed December 5, 2011, is amended to read as follows:

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, and from the fund or funds to which are credited the proceeds of 2012 general obligation bonds, authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 4004, RL 2011-057)

**Section 2.** That existing Section 3 of Ordinance No. 1603-11, passed December 5, 2011, is repealed.

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

Passed April 16, 2012.  
Effective April 16, 2012.

**Ord. No. 538-12.**

**By Mayor Jackson and Council Members Brancatelli, Keane and Kelley.**

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

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

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

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

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

Whereas, on or about March 19, 2012, a jury returned guilty verdicts

in several cases for Gambling, Operating a Gambling House, and Possession of Criminal Tools, against individuals that operated or were employed by internet sweepstakes businesses prior to the initial moratorium declared by this council, raising concerns about the legality of all such businesses; and

Whereas, The Ohio General Assembly is considering legislation to define sweepstakes terminal devices, to license sweepstakes terminal device operators and distributors and to regulate their business operations; and

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that an extension of the moratorium on such internet sweepstakes operations for another six month period will allow Council to continue to study the recent court decisions and other developments involving internet sweepstakes operations in order to make a determination as to what action is appropriate for the City; now, therefore

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

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

**Section 2.** That, as used in this ordinance, "internet sweepstakes operations" shall have the same meaning as in Ordinance 1367-10.

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

Passed April 16, 2012.  
Effective April 16, 2012.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 23, 2012  
9:30 a.m.**

**Health and Human Services Committee:** Present: Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Reed, Zone.

**1:30 p.m.**

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

**2:00 p.m.**

**Legislation Committee & Finance Committee:** Present in Legislation: Mitchell, Chair; Brancatelli, Cleveland, Sweeney. *Authorized Absence:* Cimperman, K. Johnson, Vice Chair; Reed. Present in Finance: Sweeney Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt. *Authorized Absence:* Westbrook.

**Finance Committee:** Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt. *Authorized Absence:* Westbrook.

**Tuesday, April 24, 2012  
9:30 a.m.**

**Community and Economic Development Committee:** Present: Brancatelli, Chair; Dow, Vice Chair; Cum-

mins, J. Johnson, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Cimperman.

**1:30 p.m.**

**Employment, Affirmative Action and Training Committee:** Present: Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, Mitchell. *Authorized Absence:* K. Johnson, Westbrook.

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