

# The City Record

Official Publication of the Council of the City of Cleveland



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March the Second, Two Thousand and Eleven

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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  
Andrew Watterson, 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** – Robert J. Triozzi, Director, Barbara A. Langhenry, 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 – Richard W. Sensenbrenner, 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 – \_\_\_\_\_, Commissioner  
Water Pollution Control – Ollie Shaw, 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, Interim Director, Mural Building, 75

Erievue Plaza

#### DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner  
Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza  
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue 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 – Terrence Ross, Commissioner  
Fair Housing and Consumer Affairs Office – \_\_\_\_\_, Manager  
Neighborhood Development – \_\_\_\_\_, Commissioner  
Neighborhood Services – Louise V. Jackson, Commissioner

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

#### DIVISIONS:

Code Enforcement – Tyrone L. Johnson, Commissioner  
Construction Permitting – Timothy R. Wolosz, Commissioner

**DEPT. OF PERSONNEL AND HUMAN RESOURCES** – \_\_\_\_\_, 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 Fluckinger.

**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: John Myers, 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** – Law Director Robert J. Triozzi, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

**BOARD OF SIDEWALK APPEALS** – Service Director Jonmarie Wasik, Law Director Robert J. Triozzi; Council Member Eugene R. Miller.

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

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

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

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

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

**MORAL CLAIMS COMMISSION** – Law Director Robert J. Triozzi; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley.

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

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

**AUDIT COMMITTEE** – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

## CLEVELAND MUNICIPAL COURT

### JUSTICE CENTER – 1200 ONTARIO STREET

#### JUDGE COURTROOM ASSIGNMENTS

#### Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

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. 98

WEDNESDAY, MARCH 2, 2011

No. 5073

## CITY COUNCIL

MONDAY, FEBRUARY 28, 2011

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, February 28, 2011

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Andrew Watterson, Chief of Sustainability, Natoya J. Walker-Minor, Chief of Public Affairs — Interim Director of Office of Equal Opportunity, and Directors Triozzi, Dumas, Withers, Flask, Cox, Rush, Griffin, Brown, Fumich, Lucille Ambroz, Secretary, Civil Service and Teresa Stevenson of Legislative Affairs,

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

#### MOTION

On the motion of Council Member Westbrook, the reading of the minutes of the last meeting was dispensed with and Clerk was instructed to correct the journal of the February 7, 2011, meeting of the Council (City Record Volume 98, page 151), to reflect the correct printing of Ordinance No. 188-11 as it appears in the First Reading Emergency Ordinances Referred portion by striking Ordinance No. 188-11 in its entirety and inserting the following:

**Ord. No. 188-11.**  
**By Council Member Conwell.**  
**An emergency ordinance to amend Section 670.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as**

**amended by Ordinance No. 171-04 passed February 4, 2004 relating to armed security guards.**

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 670.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 171-04, passed February 4, 2004, is hereby amended to read as follows:

#### **Section 670.14 Limitation of Authority**

The Director of Public Safety may designate the property or the geographical area of the City within which an armed security guard commissioned by the City may exercise his or her authority.

**Commissioned armed security guards shall have the power to arrest any person who commits a misdemeanor in his or her presence.**

Commissioned armed security guards shall not obtain search warrants or warrants for arrest or perform any other specific function which the Director of Safety may, by rules and regulations, reserve exclusively to the Division of Police or which are exclusively reserved by the ordinances of the City and the City Charter to the Division of Police.

Commissioned armed security guards shall exercise their authority consistent with all applicable federal, state, and local laws.

**Section 2.** That existing Section 607.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 171-04 passed February 4, 2004 is hereby repealed.

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

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

#### COMMUNICATIONS

##### **File No. 190-11-A.**

From the Director of the Department of Community Development.

RE: Transmittal of the Department of Community Development's 2011 Consolidated Plan Document. Received.

##### **STATEMENT OF WORK ACCEPTANCE**

##### **File No. 267-11.**

From Director of Department of Mayor's Office of Capital Projects — Division of Architecture and Site Development — Contract No.

P1201000000016 with Envirocom Construction for the improvement of Ridge Road Service Center Siding Repair. (Ward 15) Received.

**FROM THE DEPARTMENT OF LIQUOR CONTROL**

**File No. 268-11.**

Re: #8869459 — D5, D6 Transfer of Ownership Application — 3877 Lakeside Inc., dba Jimmy B, 1st floor and basement, 3877 Lakeside Avenue. (Ward 3). Received.

**File No. 269-11.**

Re: #2455380 — D1, D2, D3, D3A, D6 Transfer of Ownership and Location Application — 1889 West 25th Street, LTD, 1889 West 25th Street. (Ward 3). Received.

**CONDOLENCE RESOLUTIONS**

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

- Res. No. 270-11**—Irene A. Pelikan.  
**Res. No. 271-11**—Joseph A. Costanzo.  
**Res. No. 272-11**—Mamie Sue Johnson.  
**Res. No. 273-11**—Willa L. McNear.  
**Res. No. 274-11**—Daniel J. Kane.  
**Res. No. 275-11**—William W. Aerni, Jr.  
**Res. No. 276-11**—Clyde A. Madison.  
**Res. No. 277-11**—Sarah Tranchito.  
**Res. No. 292-11**—Wendell D. (Jerry) Kemerer, Jr.

**CONGRATULATION RESOLUTIONS**

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

- Res. No. 278-11**—Richard Clark.  
**Res. No. 279-11**—Richard F. Coyne.  
**Res. No. 280-11**—Judge Patricia Ann Gaughan.  
**Res. No. 281-11**—Sr. Mary Ann Flannery.  
**Res. No. 282-11**—Chris Coburn.  
**Res. No. 283-11**—Dylan P. Friedman.  
**Res. No. 284-11**—Dick Goodard — 80th Birthday.

**RECOGNITION RESOLUTIONS**

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

- Res. No. 285-11**—Greater Cleveland Aquarium.  
**Res. No. 286-11**—Cleveland Dietetic Association/National Nutrition Month 2011.  
**Res. No. 287-11**—National Multiple Sclerosis (MS) Education & Awareness Month.  
**Res. No. 288-11**—Theodore E. Sliwa.  
**Res. No. 289-11**—Girl Scout Week.  
**Res. No. 290-11**—National Teen Dating Violence Awareness and Prevention Month.  
**Res. No. 291-11**—On Leong Chinese Merchants Assn. (Chinese Lunar New Year Celebration).

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 241-11.**

By Council Member Polensek.

An emergency ordinance to amend Section 676.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 66-08, passed June 2, 2008 relating to retention requirements of certain regulated items.

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 676.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 66-08 passed June 2, 2008 is hereby amended to read as follows:

**Section 676.06 Junk Dealer's and Scrap Metal Processor's Reporting and Retention Requirements' Inspections**

(a) Every junk dealer and every scrap metal processor shall keep at each place of business maintained by either of them a legibly written or typed record which contains a general description of the aggregate material in each load delivered to that place of business in a vehicle other than a vehicle which is owned by or leased to the junk dealer or scrap metal processor who owns that place of business. In such record the junk dealer or scrap metal processor shall list the name and address of the vendor and the license number of the motor vehicle, trailer, or other vehicle in which the material was delivered to the junk dealer or the scrap metal processor.

(b) In addition to the information required by division (a) of this section, a junk dealer or scrap metal processor who accepts any delivery of a regulated item from a vendor who is not an "Exempt Entity," as defined in division (g) of this section, shall also create and maintain a record which contains the following:

- (1) The name, initials, or other identification of the individual entering the information in the record;
- (2) The date and time of the transaction;
- (3) The weight and a description of the type of regulated item purchased in the transaction;
- (4) The amount of consideration given in a purchase transaction for the regulated item;
- (5) A photocopy of a valid driver's license issued by any state or identification card issued by the State of Ohio, which belongs to and is presented by the person delivering the regulated item or items. If said person is unable to supply either form of identification described in this paragraph, the junk dealer or scrap metal processor shall not accept delivery of the regulated item or items;
- (6) As complete a description as possible of the vehicle used to transport the acquired regulated items, but not less than the make, type, and color or colors.

(c) (i) In addition to supplying the information required by divisions (a) and (b) of this section, a junk dealer or scrap metal processor who accepts any delivery of a single regulated item which is described in division (a)(5)A. of Section 676.01, regardless of amount, or any delivery of a single regulated item which is described in division (a)(5)B. of Section 676.01 in one day in an amount equal to or greater than three hundred (300) pounds, or any delivery of a single regulated item which is described in division (a)(5)E. of Section 676.01, regardless of amount, from one vendor who is not an "Exempt Entity," as defined in division (g) of this section, shall also keep that delivery in its original form, accessible, identifiable, and intact for a period of three (3) days, excluding Saturdays, Sundays, and legal holidays, from the date upon which the junk dealer or scrap metal processor accepted the delivery.

(ii) In addition to supplying the information required by divisions (a) and (b) of this section, a junk dealer or scrap metal processor who accepts any delivery of a regulated item described as a catalytic converter in division (a)(5) (I) of section 676.01, from a vendor who is not an "Exempt Entity", shall keep that delivery in its original form, accessible, identifiable and intact for a period of ten (10) days, excluding Saturdays, Sundays and legal holidays, from the date upon which the junk dealer or scrap metal processor accepted the delivery.

(iii) Notwithstanding divisions (c) (i) and (ii) of this section, if a law enforcement officer gives written notice that stolen material has been found among the regulated items which are held pursuant to this division, the junk dealer or scrap metal processor in whose possession the material is found shall keep it in its original form, accessible, identifiable and intact until such time as the law enforcement officer is able to seize the material as evidence, but not more than ten (10) business days from the date the law enforcement officer gives the written notice required by this section.

(d) Notwithstanding any other provision of this section, if a law enforcement officer gives written notice to a junk dealer or scrap metal processor of items, materials or types of items or materials which the law enforcement agency is attempting to locate ("Suspect Items"), the following provisions shall apply:

- (1) The law enforcement officer shall transmit such a notice by facsimile ("fax") machine or by personal service;
- (2) The notice shall be in effect for seven (7) calendar days and shall describe the Suspect Items in sufficient detail to reasonably apprise the junk dealer or scrap metal processor of exactly which items, materials, or types of items or materials constitute Suspect Items for the purposes of the notice, provided that a law enforcement officer may add additional such seven (7) day periods if the law enforcement officer gives the junk dealer or scrap metal processor actual notice of each such extension by fax machine or personal service;
- (3) Regardless of the amount of delivery, whether the item or material is a regulated item, or whether the vendor is an Exempt Entity:

A. the requirements of division (b) shall apply to all deliveries of Suspect Items; and

B. a junk dealer or scrap metal processor shall keep a Suspect Item or Suspect Items in its original form, accessible, identifiable, and intact for a period of three (3) days, excluding Saturdays, Sundays, and legal holidays, from the date upon which the junk dealer or scrap metal processor receives the notice, provided that a law enforcement officer may add additional such three (3) day periods up to a maximum of nine (9) additional days if the law enforcement officer gives the junk dealer or scrap metal processor actual notice of each such extension by fax machine or personal service;

(4) Each law enforcement agency shall keep a log of the notices transmitted pursuant to this division. The log shall contain:

- A. the fax number to which the notice was sent or the name of the person upon whom the notice was served;
- B. the date and time of the fax transmittal or the personal service;
- C. the name of the person who sent the fax or made the personal service; and

D. in the case of all notices sent by fax machine, the sheet printed by the fax machine which verifies the transmittal.

If the law enforcement agency's log contains all of the above-listed information, the notice shall be deemed received by a particular junk dealer or scrap metal processor as of the date and time contained in the log. If the law enforcement agency's log does not contain all of the above-listed information, any junk dealer or scrap metal processor with respect to whom the log is deficient shall have no obligation to comply with this division;

(5) If a notice is deemed received by a junk dealer or scrap metal processor and the dealer or processor accepts delivery of a Suspect Item or Suspect Items during the period described in paragraph (2) of this division, the dealer or processor shall immediately notify the Fraud Unit of the City's Division of Police;

(6) If a junk dealer or scrap metal processor notifies the Fraud Unit of the City's Division of Police pursuant to paragraph (5) of this division, a law enforcement officer shall visit the premises of the dealer or processor to inspect the Suspect Item or Suspect Items by the end of the next day, excluding Saturdays, Sundays, and legal holidays;

(7) If a law enforcement officer does not comply with the provisions of paragraph (6) of this division, the junk dealer or scrap metal processor shall no longer be subject to the provisions of paragraph (3)B. of this division with respect to the delivery of Suspect Items of which the dealer or processor gave notice pursuant to paragraph (6) of this division;

(8) Notwithstanding any other provision of this division, if a law enforcement officer identifies in particular delivery of a Suspect Item as stolen, the dealer or processor in whose possession the delivery is found shall keep it in its original form, accessible, identifiable and intact until such time as the law enforcement officer is able to seize the delivery as evidence, but not more than ten (10) business days from the date the law enforcement officer identified Suspect Items as stolen;

(9) The Director of Public Safety shall make quarterly reports to the Council to convey the following information:

A. the number of notices transmitted by fax and the number served personally;

B. the period for holding a Suspect Item set forth in each notice served;

C. whether any Suspect Items were located by the Division of Police as a result of any of the notices.

(e) Within two (2) business days after a transaction described in division (c) of this section, the information described in division (b) of this section which pertains to that transaction shall be transferred to or made part of a permanent record which shall be kept by the junk dealer or scrap metal processor for at least one year after the date of the transaction. Nothing in this division shall be construed to decrease any period of mandatory record retention contained in any other state or local law or regulation applicable to junk dealers or scrap metal processors.

(f) All records described in this section, all regulated items, and all materials described in division (d) of this section shall be available at all reasonable times for inspection by any law enforcement officer. Such records, items, and materials shall

also be available for inspection by the Commissioner of Assessments and Licenses and persons duly authorized by the Commissioner at such reasonable times as are necessary to ensure compliance with this chapter.

(g) For purposes of this section, an "Exempt Entity" is:

(1) any industrial or commercial entity which generates a regulated item or regulated items in the ordinary course of its business; or

(2) any entity which delivers a regulated item or regulated items derived from a demolition for which the Commissioner of Building and Housing has issued a permit pursuant to Section 3115.04, or for which a similar license or permit has been issued outside of the City.

(h) Divisions (b) through (g) of this section shall apply also to secondhand dealers.

**Section 2.** That existing Section 676.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 66-08 passed June 2, 2008 is hereby repealed.

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

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

**Ord. No. 242-11.**  
**By Council Members Conwell, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the acquisition of certain easement interests from University Hospital Health Systems, Inc. for a sidewalk at the newly constructed Medical Center Cancer Hospital, for the Office of Capital Projects.**

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

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

**Section 1.** That notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from University Hospital Health Systems, Inc. for a sidewalk at the newly constructed Medical Center Cancer Hospital, in and to the premises more particularly described as follows:

**Description of a 0.025 Acre Tract Located southwesterly of Cornell Road and southeastern of Euclid Avenue, Cleveland, Ohio**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of the Original 100 Acre Lot No. 403, Range 2 West, Township 8 North of the Connecticut Western Reserve Survey and being a part of Parcel A-1 of the Lot Consolidation Plat for the University Hospitals Health System, Inc. as recorded in Plat Volume 360, Page 46, all record document references in this legal description being to the Recorder's Office, Cuyahoga County, Ohio and being more particularly bounded and described as follows:

Commencing from a drill hole found in a monument box at the intersection of the centerline of Euclid Avenue, now 100 feet wide, and the centerline of Cornell Road S.E., 60 feet wide;

Thence South 46°08' 19" East, a distance of 260.16 feet along the centerline of said Cornell Road S.E. to a point;

Thence South 43°51' 41" West, a distance of 30.00 feet to point on the southwesterly right-of-way line of said Cornell Road S.E. and on the northeasterly line of said Parcel A-1, said point also being the TRUE POINT OF BEGINNING of the herein described tract of land;

01. Thence South 46°08' 19" East, a distance of 119.63 feet along the southwesterly right-of-way line of said Cornell Road S.E. and along the northeasterly line of said Parcel A-1 to a point;

02. Thence South 88°51' 41" West, a distance of 11.31 feet through said Parcel A-1 to a point;

03. Thence North 46°08' 19" West, a distance of 103.63 feet through said Parcel A-1 to a point;

04. Thence North 1°08' 19" West, a distance of 11.31 feet through said Parcel A-1 to the True Point of Beginning and containing 0.0205 acres, more or less, and subject to all legal easements, restrictions, reservations, conditions and rights-of-way of previous record.

The basis of bearing in this description is based on the southeasterly line of Euclid Avenue being North 43°49' 06 West as recorded in the Lot Split for University Circle Incorporated in Plat Volume 251, Page 53. This description is based on a field survey made by Michael Benza & Associates, Inc. in February 2009 under project number 4305.

**Section 2.** That the cost of the acquisition of the easement rights shall be One Dollar and other valuable consideration which is determined to be fair market value or the amount of the jury verdict in the event eminent domain is needed to acquire the easement interests in and to the premises. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

**Section 3.** That the Director of Capital Projects is authorized to execute all documents on behalf of the City of Cleveland necessary to acquire certain rights in and to the premises.

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

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

**Ord. No. 243-11.**  
**By Council Members Miller, Cleveland, Mitchell and Sweeney (by departmental request).**

**An emergency ordinance to amend Section 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 884-10, passed August 18, 2010, relating to permit fee, issuance and duration of permits for temporary streetscape amenities in the public right-of-way.**

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 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 884-10, passed August 18, 2010, is amended to read as follows:

**Section 514.04 Permit Fee, Issuance and Duration**

(a) An application for a permit shall be accompanied by a fee of one hundred and fifty dollars (**\$150.00**), plus \$10.00 for each individual amenity for which a permit is desired.

(b) On approval of the application by the Director of Public Service, the Director of the City Planning Commission, the Secretary of the Landmarks Commission, and any other Director that the Director of Public Service deems applicable, and in compliance with the Council notification provision described below, the Director of Public Service shall issue a permit under this Chapter.

(c) No permit shall be issued until the members of Council of the wards affected have been provided with written notice by the Director of Public Service and until the expiration of thirty (30) days from the date of this notice, unless the period of thirty (30) days is expressly waived by the Council members in writing.

(d) Permits shall be valid for not more than a twelve month period. No permit shall extend beyond March 31st of any year. Permits may be renewed, on a form provided by the Director, provided all the requirements of this Chapter are met, and no changes have been made from the previous approved application. The permit renewal fee shall be one hundred dollars (**\$100.00**), plus \$10.00 for each individual amenity. If there are changes to the application, a new application must be made under this application and the appropriate permit fee shall accompany the application.

**Section 2.** That existing Section 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 884-10, passed August 18, 2010, is repealed.

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

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

**Ord. No. 244-11.**

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

**An emergency ordinance to amend Section 8 of Ordinance No. 1273-09, passed December 7, 2009, relating to the rehabilitation of Cedar Avenue from East 21st Street to East 55th Street.**

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 8 of Ordinance No. 1273-09, passed December 7, 2009, is amended to read as follows:

Section 8. That the cost of the contracts, property acquisition, or other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500,

20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 657, 52 SF 001, and **54 SF 001**, Request Nos. 118514 and **RQS 4004, RL 2011-33.**

**Section 2.** That existing Section 8 of Ordinance No. 1273-09, passed December 7, 2009, is repealed.

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

Referred to Directors of Capital Projects, Finance, Law; Committees on Public Service and Finance.

**Ord. No. 245-11.**

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

**An emergency ordinance to amend Section 443.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1828-77, passed June 8, 1978, relating to drivers' licenses and applications for public hacks.**

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 443.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1828-77, passed June 8, 1978, is amended to read as follows:

**Section 443.13 Driver's Licenses; Application**

Every person driving a public hack, shall be licensed as such. Each applicant for a driver's license shall:

(a) Be eighteen years of age or over and an American citizen, or have declared his intention to become a citizen, on the date of application.

(b) Present a certificate from a qualified physician that he is sound physically and mentally, has good eyesight, and that he suffers from no other infirmity of body and mind, which might render him unfit for the safe operation of a public vehicle.

(c) Be able to read and write the English language.

(d) Be clean in dress and person, and not be addicted to the use of intoxicating liquors or drugs.

(e) Produce, on forms to be provided by the Commissioner of Assessments and Licenses, two character references of persons not related to applicant.

(f) Fill out, upon a blank form to be provided by the Commissioner, a statement giving his full name, residence, places of residence for five years previous to moving to his present address, age, color, height, color of eyes and hair, place of birth, length of time he has resided at his present address, whether he is a citizen of the United States, places of previous employment, whether married or single, whether he has ever been arrested or convicted of a felony or misdemeanor, whether he has been summoned to court, whether he has previously been licensed as a driver or chauffeur, and if so, whether his license has ever been revoked, and for what cause, which statement shall be signed and sworn to by the applicant, and filed with the Commissioner, as a permanent record. Any false statement made by the applicant for a license shall be promptly reported by the Commissioner to the prosecuting

attorney of Cuyahoga County. The Commissioner is hereby authorized and empowered to establish such additional rules and regulations, covering the issuance of drivers' licenses, not inconsistent herewith, as may be necessary and reasonable.

**Section 2.** That existing Section 443.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1828-77, passed June 8, 1978, is repealed.

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

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

**Ord. No. 246-11.**

**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. 69009 with KS Associates, Inc. to provide professional services to provide drawings of the existing and proposed airfield signage, lighting, and marking plans, as required for certification of Cleveland Hopkins International Airport by the Federal Aviation Administration, and update drawings, as required.**

Whereas, under the authority of Ordinance No. 1239-07, passed September 24, 2007, the Director of Port Control entered into Contract No. 69009 with KS Associates, Inc. to drawings of the existing and proposed airfield signage, lighting, and marking plans, as required for certification of Cleveland Hopkins International Airport by the Federal Aviation Administration, and update drawings, as required; and

Whereas, Ordinance No. 1239-07 requires further legislation before exercising the first option to renew on this 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. 69009 for an additional year at a cost not to exceed \$35,000 with KS Associates, Inc. to provide drawings of the existing and proposed airfield signage, lighting, and marking plans, as required for certification of Cleveland Hopkins International Airport by the Federal Aviation Administration, and update drawings, as required. This ordinance constitutes the additional legislative authority required by Ordinance No. 1239-07 to exercise this option. (RQS 3001, RL 2011-10)

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 247-11.**

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

**An emergency ordinance determining the method of making the public improvement of constructing a new surface public parking area, demolishing the long-term parking garage and the Bomb Squad Building, converting employees lots into public parking lots, installing canopies over certain lots and areas, and installing landscaping, fencing and other amenities; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvement; authorizing design services, if needed; to enter into various written standard purchase and requirement contracts necessary for the purchase of materials equipment, supplies, and services to implement the improvement, install a parking guidance system, pay on foot machines, and similar amenities, including installation and testing; and authorizing the Director to employ one or more professional consultants for parking management services, for a period of five years with one five-year option to renew, exercisable through additional legislative authority.**

Whereas, the unique design, time, budgetary, or other material elements of this project can benefit from the special care, coordination, and expeditiousness possible by performance of both the professional design services and the construction under a design-build approach contract with a single entity; and

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing a new surface public parking area, demolishing the long-term parking garage and the Bomb Squad Building, converting employees lots into public parking lots, installing canopies over certain lots and contiguous pedestrian areas, and installing landscaping, fencing and other amenities (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, and the other objectives of the Improvement.

The selection of the person, firm, or corporation to design and construct the Improvement shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Port Control after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 2.** That, alternatively, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement described in Section 1 of this ordinance, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

That the Director of Port Control 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 3.** That, alternatively, the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement described in Section 1, to perform related construction management services, to provide any necessary quality control and quality assurance services and regulatory compliance services relating to the Improvement.

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

**Section 4.** That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide parking management services, for a period of five years, with one five-year option to renew, exercisable through additional legislative authority.

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

**Section 5.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of Codified Ordinances of the City of Cleveland, the Director of Port Control is authorized to execute all documents and pay all fees necessary to acquire any real estate interests needed for the Improvement.

**Section 6.** That the Director of Port Control is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 7.** That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period of five years with one five-year option to renew, exercisable through additional legislative authority, for the necessary items of materials, equipment, supplies, and services necessary to implement the Improvement, including but not limited to, labor and materials if necessary for installation, to install a parking guidance system, pay on foot machines, and similar amenities, including installation and testing, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

**Section 8.** That the costs of the requirement contract 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.

**Section 9.** That under Section 108 (b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 10.** That the cost of the contracts authorized under this ordinance shall be paid from Fund Nos. 60 SF 104, 60 SF 106, 60 SF 112, 60 SF 115, 20 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 128, 60 SF 130, 60 SF 141, and from the fund or funds to which are credited the proceeds of any eligible future airport bonds, RQS 3001, RL 2011-32.

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

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

**Ord. No. 248-11.**

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

**An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Murtis Taylor Human Services System to allow Murtis Taylor to use ten parking spaces at the Alexander Hamilton Recreation Center, at no cost, for a period of one year.**

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

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

**Section 1.** That the Director of Public Works is authorized to enter into an agreement with the Murtis Taylor Human Services System to allow them to use ten parking spaces at the Alexander Hamilton Recreation Center, at no cost, on an as-available basis, for a period of one year.

**Section 2.** That the agreement shall be prepared by the Director of Law.

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

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

**Ord. No. 249-11.**

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

**An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting to AT & T certain easement rights in property located in the Earl B. Turner parking lot in the City of Cleveland and declaring that the easement rights granted are not needed for public use.**

Whereas, AT & T has requested the Director of Public Works to convey certain easement rights in property located in the Earl B. Turner parking lot in the City of Cleveland; and

Whereas, AT & T requires the easement rights to construct, reconstruct, modify, supplement, maintain, operate, and remove facilities necessary for communication, video, and information services over, upon, and through City-owned property; and

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel A in the Plat of Consolidation of part of Original One Hundred Acre Lot No. 467, as shown by the Plat recorded in Volume 336, Page 82 of Cuyahoga County Map Records.

Starting at the intersection of the centerlines of Miles Avenue, 70.00 feet wide, and East 114th Street, 50.00 feet wide, as appears by said Plat; thence South 87° 52' 43" West along the said centerline of Miles Avenue, 303.34 feet; thence South 0° 30' 07" East, 35.01 feet to a point in the southerly line of Miles Avenue, at the northeast corner of land conveyed to The City of Cleveland, an Ohio Municipal Corporation in deed dated December 22, 2004 and recorded by AFN 200412290343 of Cuyahoga County Deed Records, and the northeast cor-

ner of Parcel A as appears by said Plat, and the northeast corner of an existing easement granted to The Ohio Bell Telephone Company in deed dated October 28, 1988 and recorded in Volume 88-6181, Page 57 of Cuyahoga County Deed Records, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence continuing South 0° 30' 07" East along the easterly line of said land so conveyed and the easterly line of said Parcel A, 10.00 feet to the southeast corner of said existing Ohio Bell easement;

thence South 87° 52' 43" West along the southerly line of said existing Ohio Bell easement and its westerly prolongation, 19.72 feet;

thence North 2° 07' 17" West, 10.00 feet to a point in the said southerly line of Miles Avenue;

thence North 87° 52' 43" East along the said southerly line of Miles Avenue, 20.00 feet to the Principal Place of Beginning and containing 0.0046 acres of land as described on January 10, 2011 by R.M. Kole & Assoc. Corp., Professional Land Surveyors.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to AT & T subject to any conditions stated in this ordinance, at a price of \$1.00 and other valuable consideration, which is determined to be fair market value by the Board of Control.

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be to construct, reconstruct, modify, supplement, maintain, operate, and remove facilities necessary for communication, video, and information services over, upon, and through City-owned property.

**Section 4.** That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require that AT & T indemnify the City, provide reasonable insurance, maintain any AT & T improvements located within the easement; and pay any applicable taxes and assessments.

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

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

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

**Ord. No. 250-11.**

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

**An emergency ordinance authorizing the Directors of Public Works and Finance to employ one or more temporary employment agencies to provide**

**professional services to supply temporary and seasonal personnel for the Department of Public Works and the Project Clean program and for the Department of Finance, for a period not to exceed one year.**

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

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

**Section 1.** That the Director of Public Works is authorized to employ by contract or contracts one or more temporary employment agency or agencies for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide the professional services necessary to supply temporary and seasonal personnel for the Department of Public Works and Project Clean program, for a period not to exceed one year.

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

**Section 2.** That the Director of Finance is authorized to employ by contract or contracts one or more temporary employment agency or agencies for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide the professional services necessary to supply temporary and seasonal personnel for the Department of Finance, for a period not exceeding one year.

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

**Section 3.** That the costs for the services contemplated shall be paid from Fund Nos. 62 SF 001, 63 SF 001, 01-7012-6380, 01-1503-6320, and funds appropriated for this purpose in budget year 2011, Request No. RQS-7012, RL 2011-17.

**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.

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

**Ord. No. 251-11.**

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

**An emergency ordinance authorizing the Director of Public Safety to enter into an amendment to Contract**



**No. 64776 with ACS State & Local Solutions, Inc. to extend the term up to two years and to add additional services for traffic photo enforcement.**

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 enter into an amendment to Contract No. 64776 with ACS State & Local Solutions, Inc. to extend the term up to two years and to add additional services for traffic photo enforcement.

**Section 2.** That the amendment shall be prepared by the Director of Law.

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

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

**Ord. No. 252-11.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into contract with Brookpark Industrial Properties, LLC, or its designee, to provide development assistance to partially finance the acquisition of a building located at 4600 Brookpark Road, and certain other costs necessary to redevelop the property.**

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its November 4, 2010 Board Meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; 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, provided Brookpark Industrial Properties, LLC, or its designee, submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Brookpark Industrial Properties, LLC, or its designee, to provide development assistance to partially

finance the acquisition of a building located at 4600 Brookpark Road, and certain other costs necessary to redevelop the property.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 252-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the cost of the contract shall not exceed \$540,000 from Fund No. 10 SF 541 and \$180,000 from Fund 17 SF 008, for an aggregate total of \$720,000, which funds are appropriated for this purpose, Request No. RQS 9501, RL 2011-14.

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

**Section 5.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 10 SF 542 and 17 SF 006.

**Section 6.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

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

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

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

**Ord. No. 254-11.**

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

**An emergency ordinance authorizing the Director of Public Works to enter into an agreement with One Market Square Park, Ltd. to allow the City to install and maintain a mural on the Bender Building facing Market Square Park; and authorizing the Director to enter into a property adoption agreement with the Ohio City**

**Near West Development Corp. to maintain the park, including the mural.**

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 One Market Square Park, Ltd. to allow the City to install and maintain a mural on the Bender Building facing Market Square Park.

**Section 2.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a property adoption agreement with the Ohio City Near West Development Corp. to maintain the Market Square Park, including the mural.

**Section 3.** That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

**Section 4.** That the agreements shall be prepared by the Director of Law.

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

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

**Ord. No. 256-11.**

**By Council Member Conwell. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11008 and 11016 St. Clair Avenue to David Ali.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to David Ali.

**Section 2.** That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 110-01-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being part of Original One Hundred Acre Lot No. 363 and bounded and described as follows:

Beginning on the Southerly line of St. Clair Avenue NE, 80 feet wide at the Northeastly corner of land conveyed to the Ambler Realty Company by deed dated October 6, 1914 and recorded in Volume 1610, Page 196 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to the Ambler Realty Company, about 135.37 feet to the Northerly line of land conveyed to Ada E. Blakeslee by deed recorded in volume 2017, Page 317 of Cuyahoga County Records; thence Easterly along said Northerly line of land so conveyed to Ada E. Blakeslee, 45 feet to the Northeastly corner thereof; thence Easterly along course No. 3 of parcel No. 3 described in the deed from Blakeslee Real Estate and Improvement Company to the City of Cleveland dated December 20, 1909 and recorded in Volume 1266, page 274 of Cuyahoga County Records, 6.73 feet; thence Northerly parallel to course No. 2 of Parcel No. 3 described in said deed to the City of Cleveland about 140 feet to the Southerly line of St. Clair Avenue NE; thence Westerly along the Southerly line of St. Clair Avenue NE, 52 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 110-01-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 363, and being bounded and described as follows:

Beginning on the Southerly line of St. Clair Avenue, NE., at the Northeastly corner of a parcel of land conveyed to Minnie Brick by deed dated November 20, 1922 and recorded in Volume 2736, Page 49 of Cuyahoga County Records; thence South 07° 24' 58" East along the Easterly line of land so conveyed to Minnie Brick, as aforesaid, 140 feet to its intersection with Course No. 3 of Parcel No. 3 of land conveyed to the City of Cleveland, by deed dated December 20, 1909 and recorded in Volume 1266, Page 274 of Cuyahoga County Records thence North 78° 24' 20" East along said Course No. 3, as aforesaid, 68 feet to its intersection with Course No. 2 of Parcel No. 3 of land so conveyed to the City of Cleveland, as aforesaid, thence North 07° 24' 58" West along said Course No. 2 of Parcel No. 3, 140 feet to the Southerly line of St. Clair Avenue N.E.; thence South 78° 24' 20" West along the Southerly line of St. Clair Avenue N.E.; 68 feet to the place of beginning, and being further known as Lot No. 2 according to a survey made by A.A. Soffen, Civil Engineer, dated October 1, 1922, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by

official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

#### FIRST READING EMERGENCY RESOLUTION REFERRED

**Res. No. 257-11.**

**By Mayor Jackson and Council Members Cimperman, Sweeney, Zone and Conwell.**

**An emergency resolution endorsing the creation of a Healthy Cleveland and agreeing to collaborate with the Mayor and the four hospital systems in Cleveland that will lend their staff, expertise, and research efforts to reach this goal.**

Whereas, the City of Cleveland and Cleveland City Council are committed to creating a Healthy Cleveland with healthy neighborhoods and residents who enjoy longer and healthier lives and by combating chronic health conditions like chronic pulmonary disease, heart disease, diabetes, obesity and behavioral health; and

Whereas, Cleveland is home to the four best health care systems in the United States; Cleveland Clinic, MetroHealth, Sisters of Charity Health System, and University Hospitals, and all four institutions support the mission of creating a Healthy Cleveland; and

Whereas, to be successful in creating a Healthy Cleveland, the Jackson Administration, Cleveland City Council and the four health care institutions will collaborate to address smoking cessation, diet and nutrition, exercise and mobility issues and behavioral and mood disorders beginning in 2011; and

Whereas, banning of smoking on and in all City Properties, including parks, playgrounds, cemeteries, garages, and areas within 150 feet of any entrance to any City building or facility, including City Hall, Recreation Centers, and Public Health Centers will be discussed; and

Whereas, we will work to create a voluntarily-adopted smoke free zone within 150 feet of any entrance to any privately-owned facility or building in the city of Cleveland that seeks this voluntary designation; and

Whereas, by working collaboratively with local health institutions, we can provide and increase the accessibility of city-wide smoking cessation programs to help people quit smoking; and

Whereas, this City will remove all sugar-based drinks and products with trans-fats from dispensing machines in City facilities, to be replaced with water and 100% juice products and trans-fat free products; and

Whereas, this collaborative effort will work to encourage local restaurants and vendors to remove trans-fats from their menus and offer trans-fat free products; and

Whereas, an immediate task force will be established with our health care partners and the Cleveland Metropolitan School District to provide healthier food options in our city schools; and

Whereas, the Cleveland Planning Commission will collaborate with CMSD to ensure all new school construction or schools that are being rehabilitated have adequate kitchen facilities for the preparation of food; and

Whereas, the Committee on Public Health will work with CMSD to re-incorporate school gardens in every new school plan; and

Whereas, in collaboration with the Cleveland Planning Commission the Health Committee will seek to ensure the existence of a city garden within walking distance of every citizen in Cleveland by 2020 with the support of the City Planning and Health Committees; and

Whereas, the Planning Committee will collaborate with the health care institutions and community partners to improve physical activity throughout Cleveland by creating joint-use agreements between community organizations, schools and city recreational facilities; and

Whereas, the City will work to develop a Complete Streets Policy to improve bike and pedestrian access and improve mobility on street, streetscape, bridge improvement projects; and

Whereas, by collaborating with Neighborhood Progress Incorporated and the Department of Community Development, community organizers in Cleveland's neighborhoods will be trained in health literacy, with the goal of linking residents to existing health centers, providing proactive, preventative health information and creating an ethic of health education and health awareness at the grass roots level in the City; and

Whereas, by working with community organizers, the City of Cleveland and its health care partners can provide information and establish ways for residents to seek assistance for depression, schizophrenia, or any other mood related disorders; and

Whereas, City Planning will create health assessments of every neighborhood in the City, this effort will gauge how healthy each neighborhood is, and by working with all four health care systems, changes can be implemented with a scale upon which measurements can be made; and

Whereas, this work is being done to amplify outreach from the City on related health issues; 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 endorses the creation of a Healthy Cleveland and agrees to collaborate with the Mayor and the four hospital systems in Cleveland that will lend their staff, expertise, and research efforts to reach this goal.

**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 im-

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

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

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

**Ord. No. 253-11.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into a month to month agreement with Louise Laffitte professional services to assist with legislative and policy research 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.** That the Clerk of Council is authorized to enter into a month to month agreement with Louise Laffitte for professional services to assist with legislative and various Council matters for Cleveland City Council. This agreement shall begin March 1, 2011 and shall be initially certified for \$3,840.00 from fund number 01, subfund 001, account 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 255-11.**

**By Council Member Cimperman**

**An emergency ordinance authorizing Israel Schachner to engage in mobile peddling in Ward 3.**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 3; 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, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Israel Schachner to engage in mobile peddling in the public right of way in Ward 3.

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

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

**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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 261-11.**

**By Council Member Conwell.**

**An emergency ordinance consenting and approving the issuance of a permit for the 2011 Hudson Relays, on April 23, 2011, sponsored by Case Western Reserve University.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2011 Hudson Relays sponsored by Case Western Reserve, on April 23, 2011, starting at "The Rock;" next to Fribley, near the bottom of the elephant steps; in front of Carlton Commons, top of stairs; top of Edgemoor at Overlook; in front of the Greenhouse Restaurant; corner of Euclid and Adelbert (runner must pass baton after crossing Euclid, in front of Severance Hall); in front of the Peter B. Lewis building, corner of Bellflower and Ford; just past the driveway of the tiny lot at the southeastern edge of the Northside Residential Village on Juniper Road; in front of Pierce house in the Northside Residential Village; in front of Clark Hall on the Mather Quad; back at "The Rock"; President's Last Lap Only; the last runner (President) receives the baton at the rock by Adelbert hall and runs into the Quad up the Pardee side and around the back to the rock down the Yost side; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

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

**Res. No. 258-11.**

**By Council Members Cimperman, Cummins, J. Johnson and Mitchell.**

**An emergency resolution urging the United States Congress to amend the Continuing Resolution for FY 2011 to restore funding for public broadcasting.**

Whereas, the U.S. House has voted in favor of a Continuing Resolution to fund government for the remainder of FY 2011; and

Whereas, the Continuing Resolution for FY 2011 eliminates all federal funding for public broadcasting; and

Whereas, federal funding for public broadcasting provides an important share of funding for WVIZ/PBS and 90.3 WCPN ideastream, here in northeast Ohio; and

Whereas, these public broadcasting stations deliver educational and commercial-free programming that expands children's minds, documentaries that open up new worlds to all of us, trusted news and information, and programs that expose us to worlds of music, theater, dance and art; and

Whereas, an amendment to restore federal funding for public broadcasting has been introduced and congress will vote on this matter in the next several days; and

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

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

**Section 1.** That this Council hereby urges the United States Congress to amend the Continuing Resolution for FY 2011 to restore funding for public broadcasting.

**Section 2.** That the Clerk of Council is hereby directed to forward copies of this resolution to all members of the United States Congress.

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

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

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

**Res. No. 259-11.**

**By Council Members Conwell, Westbrook, Dow, Mitchell, Zone, Pruitt, Cleveland, Brady, Cummins, J. Johnson, Brancatelli and Kelley.**

**An emergency resolution objecting to Senate Bill 5 which would eliminate collective bargaining for state employees and reform collective bargaining rules for local government employees.**

Whereas, Senate Bill 5 (S.B. 5) recently introduced in the Ohio Senate, seeks to rewrite Ohio's collective bargaining law; and

Whereas, as originally introduced, S.B. 5 would ban collective bargaining for all state employees and sharply curtail binding arbitration rules for local governments; and

Whereas, this Council agrees that S.B. 5 is a direct attack on public-sector workers and will lead to lower wages and benefits that will hurt Ohio families; and

Whereas, this Council understands that 61% of Americans oppose measures such as S.B. 5; and

Whereas, this Council believes that the serious budget crisis facing the state should not be used as an excuse to eliminate the long established collective bargaining rights of hard working public servants; and

Whereas, the City of Cleveland has shown that a more effective way of addressing economic crisis is to openly engage workers, clearly explain the crisis, while honoring union rights and respecting public servants; and

Whereas, state government should look to Cleveland as an example of a city that has been able to successfully balance its budget while maintaining respect for workers and manage through the current economic crisis; and

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

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

**Section 1.** That this Council hereby objects to Senate Bill 5 which would eliminate collective bargaining for state employees and reform collective bargaining rules for local government employees.

**Section 2.** That the Clerk of Council is hereby directed to forward a copy of this resolution to Governor John Kasich and all members of the Ohio Senate and House of Representatives.

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

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

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

**Res. No. 260-11.**

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

**An emergency resolution objecting to the state's decision to close the Northeast Behavioral Healthcare facility in Cleveland.**

Whereas, the Ohio Department of Mental Health has announced it will close its Cleveland campus of Northeast Behavioral Healthcare; and

Whereas, the state has now determined that the \$8 million in capital funds originally for the development of a new hospital on Euclid Avenue will be allocated to other facilities; and

Whereas, the City has already spent considerable time and money working with the state to prepare a

site for a new behavioral healthcare facility on Euclid Avenue; and

Whereas, closing the current facility and the decision to not open a new facility will create a hardship to Cleveland-area residents in need of behavioral health care treatment and will eliminate nearly 200 jobs; and

Whereas, the state's decision to close Cleveland's facility and not fund a new facility will leave the citizens of northeast Ohio, especially inner-city residents in need of treatment, with little or no means to access help; and

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

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

**Section 1.** That this Council hereby objects to the state's decision to close the Northcoast Behavioral Healthcare facility in Cleveland.

**Section 2.** That the Clerk of Council is hereby directed to forward a copy of this resolution to Governor John Kasich and the members of the Ohio General Assembly representing northeast Ohio.

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

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

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

**Res. No. 262-11.**

**By Council Member Cummins.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 3259 West 25th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Heidi Avancini, DBA Stinks Bait Tackle & Convenience, 3259 West 25th Street, Cleveland, Ohio 44109, Permanent Number 0335638; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Heidi Avancini, DBA Stinks Bait Tackle & Convenience, 3259 West 25th Street, Cleveland, Ohio 44109, Permanent Number 0335638; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 263-11.**

**By Council Member Polensek.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 15222 Waterloo Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Waterloo Gas & Go., Inc., 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 9427085; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at Waterloo Gas & Go, Inc., 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 9427085; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 264-11.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the transfer of a Liquor License to 6206 Woodland Avenue and repealing Resolution No. 95-11, objection to said transfer.**

Whereas, this Council objected to a C2 Liquor Permit to 6206 Woodland Avenue by Resolution No. 95-11 adopted by the Council on January 24, 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 C2 Liquor Permit to Woodland Supermarket, Inc., 6206 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 9761591, be and the same is hereby withdrawn and Resolution No. 95-11, 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.

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

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

**Res. No. 265-11.**

**By Council Member Reed.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 10808 Dove Avenue, 1st Floor and repealing Resolution No. 1092-10, objecting to said transfer.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 10808 Dove Avenue, 1st floor by Resolution No. 1092-10 adopted by the Council on August 18, 2010; 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 C2 and C2X Liquor Permit to 10808 Dove Avenue, 1st floor, owned by Ocean, Inc., 10808 Dove Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 6503136, be and the same is hereby withdrawn and Resolution No. 1092-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 266-11.**

**By Council Member Sweeney.**

**An emergency resolution objecting to a New C2 Liquor Permit at 14606 Puritas Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Adams Adams Puritas LLC, DBA N & N Beverage, 14606 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 0049527; 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 require-

ments of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at Adams Adams Puritas LLC, DBA N & N Beverage, 14606 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 0049527; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**MOTION**

The Council Meeting adjourned at 8:28 p.m. to meet on Monday, March 7, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

February 23, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 23, 2011, at 10:46 a.m. with Director Triozzi presiding.

Present: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Director Rush, Interim Director Walker-Minor, Directors Nichols and Fumich.

Absent: Mayor Jackson, Acting Director Butler and Director Rybka.

Others: James E. Hardy, Commissioner, Purchases and Supplies.

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

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

**Resolution No. 57-11.**

By Director Dumas.

Whereas, Board of Control Resolution No. 33-11, adopted February 2, 2011, authorized the Director of Finance to enter into contract with Benjamin Steel Co., Inc. for an estimated quantity of miscellaneous-sized steel, for various divisions of City government; and

Whereas, Resolution No. 33-11 incorrectly cited the ordinance authority for the contract approved; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 33-11, adopted by this Board February 2, 2011, approving the bid of Benjamin Steel Co., Inc. as lowest and best for an estimated quantity of miscellaneous-sized steel is amended by deleting "1976", in the third paragraph, where appearing, and substituting "C.O."

Be it further resolved that in the last paragraph of Resolution No. 33-11, the last line is amended to read, in part, "as may be ordered under delivery orders separately certified to the contract."

Be it further resolved that all other terms of Resolution No. 33-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Director Rush, Interim Director Walker-Minor, Directors Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Acting Director Butler and Director Rybka.

**Resolution No. 58-11.**

By Director Dumas.

Whereas, Board of Control Resolution No. 34-11, adopted February 2, 2011, authorized the Director of Finance to enter into contract with Dougherty Lumber Co., Inc. for an estimated quantity of lumber and supplies, for various divisions of City government; and

Whereas, Resolution No. 34-11 incorrectly listed the items recommended for contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 34-11, adopted by this Board on February 2, 2011, approving the bid of Dougherty Lumber Co., Inc. as lowest and best for an estimated quantity of lumber and supplies is amended by substituting

the following for the list of items recommended for contract, where appearing in the resolution: Items Nos. 1-10, 13, 15, 17, 19, 21, 23-25, 27-42, 55, 57, 59, 61, 67-80, 81-94, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 128, 131, 133, 135, 137, 139, 140-145, 146-150, 151-160, 163-165, 166-169, 171, 173, 175, 191, 194, 197, 198, 199, 242-243, and 244-247.

Be it further resolved that in the last paragraph of Resolution No. 34-11, the last line is amended to read, in part, "as may be ordered under delivery orders separately certified to the contract."

Be it further resolved that all other terms of Resolution No. 34-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Director Rush, Interim Director Walker-Minor, Directors Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Acting Director Butler and Director Rybka.

**Resolution No. 59-11.**

By Director Dumas.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 27, 2010, for an estimate quantity of lumber and supplies, Items 11, 12, 14, 16, 20, 22, 24, 26, 43-46, 47-54, 56, 58, 60, 62, 63-66, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124-127, 129, 130, 132, 134, 136, 138, 170, 172, 174, 176-190, 192-193, 195-196, 200-219, 220-241, 248-265, 266-271 for the various Divisions of City government, Department of Finance, under the authority of Ordinance No. 592-10, passed May 24, 2010, are rejected.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Director Rush, Interim Director Walker-Minor, Directors Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Acting Director Butler and Director Rybka.

**Resolution No. 60-11.**

By Director Withers.

Whereas, Board of Control Resolution No. 489-10, adopted November 24, 2010, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, approved Kennedy Valve, Division of McWane, Inc. as lowest and best bidder for an estimated quantity of fire hydrants and fire hydrant parts, items 1-12, 28, 30 and 31, for the Division of Water, Department of Public Utilities; and

Whereas, after adoption of Resolution No. 489-10, adopted November 24, 2010, the City was notified by Kennedy Valve's February 3, 2011 letter that Kennedy Valve is an operating division of McWane, Inc. and will now be listed as McWane, Inc. dba Kennedy Valve with no change in the Federal Employer Identification Number (FIN); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 489-10, adopted November 24, 2010, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, approving the bid of Kennedy Valve, Division of McWane, Inc. as lowest and best for an estimated quantity of fire

hydrants and fire hydrant parts, items 1-12, 28, 30 and 31, for the Division of Water, Department of Public Utilities, is amended by correcting the bidder name from Kennedy Valve, Division of McWane, Inc., to McWane, Inc. dba Kennedy Valve.

Be it further resolved that all other provisions of Resolution No. 489-10 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Director Rush, Interim Director Walker-Minor, Directors Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Acting Director Butler and Director Rybka.

**Resolution No. 61-11.**

By Director Withers.

Whereas, Board of Control Resolution No. 490-10, adopted November 24, 2010, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, approved Clow Valve Company, A Division of McWane Inc. as lowest and best bidder for an estimated quantity of fire hydrants and fire hydrant parts, items 13-24 and 27, for the Division of Water, Department of Public Utilities and

Whereas, after adoption of Resolution No. 490-10, adopted November 24, 2010, the City was notified by Clow Valve Company's February 3, 2011 letter that Clow Valve Company is an operating division of McWane, Inc. and will now be listed as McWane, Inc. dba Clow Valve Company with no change in the Federal Employer Identification Number (EIN) now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 490-10, adopted November 24, 2010, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, approving the bid of Clow Valve Company, A Division of McWane Inc. as lowest and best for an estimated quantity of fire hydrants and fire hydrant parts, items 13-24 and 27, for the Division of Water, Department of Public Utilities, is amended by correcting the bidder name from Clow Valve Company, A Division of McWane Inc., to McWane, Inc. dba Clow Valve Company.

Be it further resolved that all other provisions of Resolution No. 490-10 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Director Rush, Interim Director Walker-Minor, Directors Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson, Acting Director Butler and Director Rybka.

**Resolution No. 62-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Scientific Methods, Inc. for an estimated quantity of laboratory services for protozoa and biological analysis, items 1-A through 1-P, for the Division of Water, Department of Public Utilities, for a period of three years starting upon the later of the execution of a con-

tract or the day following expiration of the currently effective contract for the goods or services, received on December 16, 2010 under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$122,700.00 (2%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$6,165.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Scientific Methods, Inc. for the contract authorized is approved:

**SUBCONTRACTOR WORK PERCENTAGE**

Hoosier Microbiology Lab \$3,200.00  
2.608%

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Director Rush, Interim Director Walker-Minor, Directors Nichols and Fumich.

Nays: None.  
Absent: Mayor Jackson, Acting Director Butler and Director Rybka.

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

**CIVIL SERVICE NOTICE**

**ANNOUNCEMENTS — 2011  
3/14/2011 — 3/18/2011**

| Announ-<br>cement<br>No. | Exam<br>Method | Classi-<br>fication | Exam<br>Type |
|--------------------------|----------------|---------------------|--------------|
| 7                        | WR             | Security<br>Officer | Open         |

**PROOF OF CITY RESIDENCY**

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

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

- Bank statements (Within last three months).
  - School registration of children.
  - Car insurance documents.
  - Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
  - Loans and credit card statements (Within last three months).
  - Rental contracts (e.g.: furniture, tools, car, etc.).
  - Current bills not listed above (Within last three months).
- The following are examples of **unacceptable** categories of proof:
- Library cards.
  - Voter registration cards.
  - Birth certificates.
  - Notarized letters or affidavits.
  - Social Security card.
  - Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 7**

**SECURITY OFFICER (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleve-

land, Ohio of an Open examination for the above mentioned classification.

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.80 - \$19.12 per hour.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON MONDAY, MARCH 14, 2011 UNTIL 4:30 P.M. ON FRIDAY, MARCH 18, 2011.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M ON FRIDAY, MARCH 18, 2011.

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

**EXAMINATION INFORMATION**

**TYPE: EXPERIENCE EVALUATION**

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

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

**DUTIES OF THE POSITION**

Under supervision, is responsible for the security of Department of Public Utilities or other City of Cleveland buildings, property, records, and equipment. Takes immediate action to protect life and property within his/her jurisdiction. Performs such duties and works such hours as designated by the Chief of the Public Utilities Police Department or other superior and/or his/her designee. Assures all key assigned installations are secured from outside intrusion on a 24 hour/7 days a week basis. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. Ohio Private Police Officer certification from the Ohio Police Officer Training Commission is required. A valid State of Ohio Driver's License is required. Must be able to lift and carry a minimum of thirty (30) pounds. A 9mm handgun 20-hour certification is preferred.

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

**NOTE:** All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Civil Service Commission will make copies for a standard fee.

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

**AN EQUAL OPPORTUNITY EMPLOYER**

ROBERT BENNETT,  
President

March 2, 2011

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MARCH 14, 2011**  
**9:30 A.M.**

**Calendar No. 11-16:** 5703 Fleet Avenue (Ward 12)

Gerald Rudowsky, owner, appeals for a change of use from a service station to a motor vehicle major repair shop in an existing building on an 80' x 150' corner lot in a Local Retail Business District; subject to the limitations of Section 343.01 not permitted and first allowed pursuant to Section 345.03 in a Semi-Industry District, provided that it is located not less than 100 feet from a residence district; and a landscape strip 6 feet wide is required along Fleet Avenue and East 57th Street according to Section 352.10; and a permit is required for signage as regulated in Section 350.04 of the Cleveland Codified Ordinances.

**Calendar No. 11-18:** 12800 Brookpark Road (Ward 18)

12800 Brookpark Road LLC, owner, and Lakefront Lines, tenant, appeal to erect a 2' x 11' double faced pole sign panel to an existing nonconforming pole sign located on acreage in a General Industry District, contrary to the maximum square footage of 50 square feet allowed for signage and proposing 121 square feet, where 99 square feet is existing and adding 21 square feet, contrary to Section 350.15 of the Cleveland Codified Ordinances.

**Calendar No. 11-19:** 9431 Lorain Avenue (Ward 16)

The Cuyahoga County Land Reutilization Corporation, owner, appeals to construct a 4 residential unit building and establish a multi-unit residential use in an existing 3-story building, proposed on consolidated parcels on the southeast corner of Lorain Avenue and West 95th Street

in a General Retail Business District; contrary to Section 349.04(a) there are 12 parking spaces provided and 41 off-street parking spaces are required and each space shall each equal 180 square feet pursuant to Section 325.03; and in a "C" area district, the maximum gross floor area may not exceed one-half the lot area and approximately 36,261 square feet is proposed contrary to 12,100 square feet that is allowed in accordance with area regulations in Section 355.04; a rear yard depth of not less than 20 feet is required and no interior side yard in connection with multiple dwelling units shall be less than one-fourth the height of the main building on the premises or not less than 8 feet, according to Section 357.08(b)(2) and Section 357.09(b)(2)C of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, FEBRUARY 28, 2011**

At the meeting of the Board of Zoning Appeals on Monday, February 28, 2011, the following appeals were heard by the Board.

The following appeal was **Approved:**

**Calendar No. 10-227:** 820 College Avenue

Tom Leneghan appealed to add live entertainment to an existing bar/tavern to remove parking spaces and convert to outdoor patio use in a General Retail Business District; subject to conditions.

The following appeals were **Withdrawn:**

**Calendar No. 10-204:** 7101-03 Wade Park Avenue

Moorad Rabah, owner, and Sidney Little, lessee, appealed to establish a motor vehicle sales facility in a General Retail Business District.

**Calendar No. 11-4:** 7513-15 St. Clair Avenue

Brenell Boynton appealed to establish use as a restaurant and entertainment hall in a Local Retail Business District.

**Calendar No. 11-8:** 1393 East 51st Street

Ohio Technical College appealed to surface an existing vacant lot for a parking lot in a Two-Family District.

**Calendar No. 11-11:** 14320 Puritas Avenue

John Foradis appealed to establish a change of use from store to landscaping and paint contractor office and storage including outdoor storage and construction of mulch stalls in a General Retail Business District.

**Calendar No. 11-12:** 1425 Rockwell Avenue

The Matrix Group appealed to establish / construct a parking lot in Semi-Industry District.

The following appeals were **Dismissed:**

None.

The following appeal was **Postponed:**

**Calendar No. 10-175:** 5100 Pearl Road postponed to June 20, 2011.

The following appeals heard by the Board on February 22, 2011 were adopted and approved on February 28, 2011.

The following appeal was **Approved:**

**Calendar No. 11-7:** Tow Truck Drivers License

Douglas Lee Skaggs appealed from the decision of the Commissioner of Assessments and Licenses to deny an application for a Tow Truck Drivers License.

The following appeal was **Denied:**

**Calendar No. 11-5:** Cleveland Police Department Citation 1935 Randall Road

Jeremy P. Ols appealed from Citation No. A 627184 issued by the Cleveland Police Department on October 10, 2010.

The following appeal heard by the Board on August 30, 2010 was adopted and approved on February 28, 2011.

The following appeal was **Approved:**

**Calendar No. 10-82:** 9120 Superior Avenue

Leonzie Smith appealed to change from a service station to a motor vehicle service garage the use of a one-story building on a corner lot in a Local Retail Business District; subject to conditions.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

**Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office**



of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

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

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

**FRIDAY, MARCH 11, 2011**

**File No. 23-11 — Rehabilitation and Replacing The Lee Area Sewer System**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 397-09, passed by the Council of the City of Cleveland, June 5, 2009.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, MARCH 3, 2011 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

February 23, 2011 and March 2, 2011

**WEDNESDAY, MARCH 16, 2011**

**File No. 22-11 — Greenspace at Zone Recreation Center**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 607-10, passed by the Council of the City of Cleveland, June 11, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND

NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 3, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 23, 2011 and March 2, 2011

**FRIDAY, MARCH 18, 2011**

**File No. 24-11 — West 14th Street Sewer Relining Project**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 594-10, passed by the Council of the City of Cleveland, June 7, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 11, 2011 AT 11:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**File No. 25-11 — Constructing & Installing Replacement Sewers & Rehabilitating & Repairing Sewers at Various Locations**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.292 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 11, 2011 AT 12:00 P.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

March 2, 2011 and March 9, 2011

**WEDNESDAY, MARCH 23, 2011**

**File No. 31-11 — Reclaimed or Virgin Asphalt Concrete**, for the Division of Streets, Department of Public Works, as authorized by Ordinance No. 6-11, passed by the Council of the City of Cleveland, February 7, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 10, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, DIVISION OF STREETS, 601 LAKESIDE AVENUE, CONFERENCE ROOM 25, CLEVELAND, OHIO 44114.

**File No. 32-11 — Grinding of Pavement**, for the Division of Streets,

Department of Public Works, as authorized by Ordinance No. 1605-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 10, 2011 AT 11:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF STREETS, 601 LAKESIDE AVENUE, CONFERENCE ROOM 25, CLEVELAND, OHIO 44114.

**File No. 28-11 — Paint and Paint Supplies**, 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** FOR TUESDAY, MARCH 15, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 2, 2011 and March 9, 2011

**THURSDAY, MARCH 24, 2011**

**File No. 30-11 — Various Ford Passenger/Police Vehicle Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 10, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 11, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**File No. 29-11 — Labor and Materials for Maintenance of Uninterruptible Power Supply Systems, Backup Generators, Components, Appurtenance, Specialized Batteries, Fuel Testing, Fuel Conditioning and Recycling**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1600-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FOR THURSDAY, MARCH 10, 2011 AT 10:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 2, 2011 and March 9, 2011

**FRIDAY, MARCH 25, 2011**

**File No. 26-11 — Ridge Road Streets Facility Renovations**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 1724-09, passed by the Council of the City of Cleveland, February 8, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A

CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MARCH 15, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, DIVISION OF ARCHITECTURE, ROOM 517, CLEVELAND, OHIO 44114.

**File No. 33-11 — Automotive Parts, Including Labor, Materials and Installation**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 190-07, passed by the Council of the City of Cleveland, March 12, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 10, 2011 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.

March 2, 2011 and March 9, 2011

**WEDNESDAY, MARCH 30, 2011**

**File No. 27-11 — Plumbing Supplies**, for the Various Divisions of City Government, Department of Finance and as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FOR WEDNESDAY, MARCH 16, 2011 AT 10:30 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 2, 2011 and March 9, 2011

**ADOPTED RESOLUTIONS AND ORDINANCES**

**REPRINT**

**Ord. No. 675-09.**

**By Council Member Mitchell.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.18 relating to satellite dishes.**

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 the City of Cleveland are supplemented by enacting new Section 347.18 to read as follows:

**Section 347.18 Size and Location Restrictions of Satellite Dishes**

(a) *Purpose.* This section regulates the location and size of satellite dishes in order to protect the public health and safety and to protect the visual character of residen-

tial areas. This section is intended to comply with state and federal law, policies and guidelines and does not intend to impair the installation, maintenance, or use of satellite dishes.

(b) *Definition.* For purposes of this section, "satellite dish" means a round or oblong parabolic antenna designed to receive transmission signals from earth orbiting satellites.

(c) *Location and Number.*

(1) The preferred location of a roof-mounted satellite dish is as near to the rear property line as is practicable to not impose unreasonable limitations on reception.

(2) No satellite dish mounted in the ground or attached to a fence or tree shall be placed in a front yard or in a side yard if such side yard is located in a Residential District or adjacent to a Residential District.

(3) No free-standing satellite dish antenna shall be located closer than three (3) feet to any property line.

(4) For buildings containing one or more dwelling units, there shall be no more than one (1) satellite dish antenna per dwelling unit and no more than four (4) for any building, whichever is less.

(d) *Size.*

(1) The maximum diameter of a satellite dish mounted to a one-family, two-family or three-family house shall be thirty-six (36) inches.

(2) The maximum length or diameter of any free-standing satellite dish mounted in the ground shall be ten (10) feet.

(e) *Permits.* A Building Permit shall be required for a satellite dish antenna only in the following instances:

(1) if the satellite dish antenna exceeds thirty-six (36) inches in diameter; or

(2) if the satellite dish antenna is mounted to a pole or other support structure that exceeds ten (10) feet in height.

(f) *Applicability.* The regulations of this section shall apply to all satellite dish antennas installed more than ninety (90) days after the effective date of this ordinance.

(g) *Removal.* Any satellite dish antenna that has been unused for reception for a continuous period of six (6) months or more shall be removed by the owner of the antenna.

(h) *Penalty.* Whoever violates subsections (c) or (d) hereof is guilty of a minor misdemeanor.

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

Passed November 29, 2010.

Effective November 30, 2010.

**REPRINT**

**Ord. No. 1329-10.**

**By Mayor Jackson.**

**An emergency ordinance to discontinue the Department of Consumer Affairs, the Office of Consumer Affairs, and the Division of Real Estate by repealing Sections 123.07, 137.09, 137.10, 147.01, 147.02, and 643.05 of the Codified Ordina-**

**nances of Cleveland, Ohio, 1976; to establish the Division of Neighborhood Development and the Office of Fair Housing and Consumer Affairs within the Department of Community Development by enacting new Sections 137.03, 137.04, 137.09, and 137.10; to amend Section 137.02 relating to the duties of the Director of Community Development; to amend Section 159.01 regarding the establishment, term, meetings, of the Consumers Council Advisory Board; and to amend various sections within the code to conform to the various name changes authorized by this ordinance.**

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

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

**Section 1.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the Department of Consumer Affairs is discontinued and Sections 147.01 and 147.02, as amended by Ordinance No. 1137-01, passed November 26, 2001, and Section 643.05, as amended by Ordinance No. 1345-01, passed December 10, 2001, are repealed.

**Section 2.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the Office of Consumer Affairs is discontinued and Section 123.07, as amended by Ordinance No. 2090-B-76, passed January 24, 1977, is repealed.

**Section 3.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the Division of Real Estate is discontinued and Sections 137.09 and 137.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1117-06, passed January 28, 2008, are repealed.

**Section 4.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the Division of Neighborhood Development is established and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 137.09 and 137.10 to read as follows:

**Section 137.09 Division of Neighborhood Development**

There is established a Division of Neighborhood Development in the Department of Community Development, which shall be administered by a Commissioner of Neighborhood Development, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Community Development.

**Section 137.10 Duties of the Commissioner of Neighborhood Development**

The Commissioner of Neighborhood Development shall administer City programs intended to encourage the development or improvement of residential and commercial property in Cleveland's neighborhoods; shall manage public acquisition of real estate to be used in furtherance of the City's neighborhood development objectives; shall manage and propose allocation of the City's capital resources to provide incentives for private investment in residential and commercial development within the City, shall plan and

implement City programs intended to foster the construction of safe, high-quality, and affordable housing for low income residents; and shall perform such other duties as may from time to time be required by ordinance or by the Director of Community Development.

**Section 5.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the Office of Fair Housing and Consumer Affairs is established within the Department of Community Development and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 137.03 and 137.04 to read as follows:

**Section 137.03 Office of Fair Housing and Consumer Affairs**

There is established in the Department of Community Development an office of Fair Housing and Consumer Affairs to be administered and controlled by a Manager of Fair Housing and Consumer Affairs. The Office of Fair Housing and Consumer Affairs shall accept, investigate and process complaints regarding unlawful discriminatory housing practices; accept, investigate and process complaints from consumers regarding fraudulent, unfair, deceptive or unconscionable business practices; work cooperatively with consumer agencies, schools, media and community organizations to educate consumers and businesses about consumer issues; make recommendations for legislative action to strengthen consumer protection; and perform further duties as may from time to time be required by ordinance or by the Director of Community Development.

**Section 137.04 Duties of the Manager of Fair Housing and Consumer Affairs**

The Manager of Fair Housing and Consumer Affairs under the supervision and direction of the Director of Community Development and subject to the Charter and ordinances of the City, shall have the authority to:

(a) Delegate personnel in the Office of Fair Housing and Consumer Affairs to aid and assist the Manager in the proper discharge of his duties and powers;

(b) Supervise the execution and enforcement of all laws, rules and regulations pertaining to fair housing and consumer affairs as provided in the Fair Housing and Consumer Protection Codes;

(c) Receive moneys and issue vouchers for the disbursement of moneys in accordance with the terms of any stipulated settlement agreement made pursuant to division (a) of Section 643.13 of these Codified Ordinances;

(d) Accept, investigate and, if necessary, adjudicate, in conjunction with the Law Department, complaints regarding violations of the Fair Housing and Consumer Protection codes.

(e) Make studies, conduct tests and establish programs to educate and inform consumers of practices and problems and represent the interest of consumers before administrative and regulatory agencies;

(f) Work with governmental agencies and private consumer groups to insure the protection of consumers and to coordinate activities for the common municipal good;

(g) Make a written annual report to the Mayor enumerating the activities and recommendations of the

Office of Fair Housing and Consumer Affairs;

(h) Do any and all acts which may be necessary for the successful prosecution of the purposes of the Fair Housing and Consumer Protection Code and such other acts as may be specifically enumerated herein including, but not limited to requiring that certain classes of merchants be licensed by the Office of Consumer Affairs subject to approval by Council through the Commissioner of Assessments and Licenses when the Director determines such licensing to be in the public interest and necessary for the protection of consumers.

**Section 6.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the duties of the Director of Community Development are amended, and for such purposes Section 137.02 of the Codified Ordinances of Cleveland, as amended by ordinance No. 1266-02, passed January 26, 2003, is amended to read as follows:

**Section 137.02 Duties of the Director of Community Development**

The Director of Community Development shall administer the Department of Community Development and supervise the work of the several divisions established in the Department; administer the laws and ordinances of the City relating to Community Development; coordinate the functioning of the several divisions of the Department with other departments, divisions and offices of the City, with Federal, State and County offices and agencies; supervise the carrying forward of the development, redevelopment, renewal, rehabilitation and conservation of the City in conformity with the General Plan of the City; manage and supervise all projects undertaken by the City for the redevelopment, renewal, rehabilitation or conservation of slum, blighted, deteriorating or deteriorated areas, including the relocation of occupants displaced by this or other governmental action; make application to the appropriate agencies of the Federal government and other public bodies on behalf of the City, the Local Public Agency, for financial assistance if it is determined that financial assistance is necessary; monitor and enforce the Cleveland Consumer Protection Code and educate consumers and service providers as to their rights and responsibilities under federal, state and local laws; and do and perform such other duties as may from time to time be required of him by the Mayor, or by ordinance of Council.

**Section 7.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, Section 137.02 of the Codified Ordinances of Cleveland, as amended by Ordinance No. 1266-02, passed January 26, 2003, is repealed.

**Section 8.** That Section 159.01, as amended by Ordinance No. 729-72, passed June 26, 1972, is amended to read as follows:

**Section 159.01 Establishment; Terms; Meetings**

There is hereby created in the Office of Fair Housing and Consumer Affairs an advisory board on consumer affairs which shall be known as the Consumers Council, consisting of the Director, ex-officio and seven members. Four shall be appointed by the Mayor and three

by the President of Council. The Consumers Council shall represent business and consumer interests, but consumer members shall never be less than a majority. One of these members shall be elected Chairman annually by the members of the Advisory Board. Of the seven members first appointed, three shall be appointed for a term of three years, two for a term of two years and two for a term of one year; thereafter all appointments shall be for a term of three years. Members of the Consumers Council shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Consumer Council must meet with the Director at least quarterly in each calendar year and shall advise the Director on general goals for the development of programs; undertake studies and reports and make written recommendations to the Director and foster cooperation among City, State and Federal agencies and private consumer groups. The Consumer Council shall hold additional meetings with the Director when called by the Chairman or when requested by the Director or by at least three members of the Consumers Council.

**Section 9.** That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 641.05, as enacted by Ordinance No. 729-72, passed June 26, 1972,

Section 643.04, as amended by Ordinance No. 125-82, passed December 20, 1982,

Section 643.06, as amended by Ordinance No. 1345-01, passed December 10, 2001,

Sections 643.07 and 643.08, as enacted by Ordinance No. 729-72, passed June 26, 1972,

Section 643.11, as amended by Ordinance No. 1345-01, passed December 10, 2001,

Section 643.12, as enacted by Ordinance No. 729-72, passed June 26, 1972

Sections 645.02, 645.03, and 645.04, as enacted by Ordinance No. 709-74, passed July 29, 1974,

Section 647.07, as enacted by Ordinance No. 2269-74, passed June 30, 1975,

Section 649.03, as enacted by Ordinance No. 641-74, passed June 24, 1974,

Section 651.03, as amended by Ordinance No. 1640-73, passed August 10, 1973,

Section 659.05, as enacted by Ordinance No. 737-02, passed April 22, 2002,

Section 665.02, as amended by Ordinance No. 1260-08, passed November 30, 2009,

Section 665.05, as amended by Ordinance No. 2317-04, passed December 13, 2004,

Section 665.07, as amended by Ordinance No. 295-08, passed April 7, 2008,

Section 665.08, as amended by Ordinance No. 162-A-2000, passed December 4, 2000, and

Section 665.10, as amended by Ordinance No. 295-08, passed April 7, 2008,

are amended to read as follows:

**Section 641.05 Manager**

"Manager" means the Manager of the Office of Fair Housing and Consumer Affairs, whenever used in this Code, unless specifically defined otherwise.

**Section 643.04 Personnel**

The Manager of Fair Housing and Consumer Affairs shall supervise such personnel, as are needed to ensure the successful administration of this Code. Such personnel shall carry out the direction of the Manager in all matters relating to the enforcement of this Code and shall aid and assist the Manager in the efficient discharge of his or her duties.

**Section 643.06 Rules and Regulations**

The Manager of Fair Housing and Consumer Affairs, under the supervision and direction of the Director of Community Development and after having consulted with the Consumer's Council, and after having held a public hearing affording interested persons an opportunity to be heard, may adopt, amend or alter written rules and regulations of this Code to protect consumers, including regulations defining specific unfair and unconscionable trade practices. Such rules and regulations must be reviewed by the Director of Law and shall not conflict with nor waive any provisions of this Code or any ordinance of the City, or be inconsistent with the rules, regulations and decisions of the Federal Trade Commission, the laws of the State or the decisions of Federal and state courts relating thereto, nor shall they be the basis for criminal prosecutions for violations of this Code. Such rules and regulations and amendments thereto and alterations thereof shall become effective after two successive publications in the City Record. No rule or regulations shall be adopted, amended or altered or of any effect without the prior approval and consent of Council.

**Section 643.07 Notice of Public Hearing on Proposed Rules**

Prior to the adoption, amendment or alteration of any rule or regulation, the Manager of Fair Housing and Consumer Affairs shall give at least fourteen days' notice of his intended action by publication in the City Record setting forth the date, time and place of a public hearing and the contents of the proposed rules or regulations to be acted upon.

**Section 643.08 Tests to Determine Violations**

The Manager of Fair Housing and Consumer Affairs is authorized to conduct or cause to be conducted any tests which in his judgment may aid in demonstrating that violations of this Code have been or are likely to be committed. The Manager shall require that all tests be conducted by reputable, qualified personnel and that written reports be submitted to him for all such tests. If the report substantiates that a violation of this Code exists, the person responsible for the violation shall pay all costs for conducting the tests.

**Section 643.11 Enforcement Actions and Consumer Remedies**

(a) All legal actions initiated by the Manager of Fair Housing and Consumer Affairs to enforce this Code shall be brought by the Director of Law upon written request by the Manager of Fair Housing and Consumer Affairs. In addition to recovery of fines as provided by this Code, actions may be brought for injunctive relief in any court of com-

petent jurisdiction to restrain a person from violating this Code or the rules or regulations pursuant thereto, and to restrain a merchant from engaging in unfair, deceptive, fraudulent or unconscionable conduct with consumers. To establish a cause of action under this Code it need not be shown that consumers are being or were actually damaged.

(b) The City or any person aggrieved by a violation of Title III, Consumer Protection Code, may at any time within two years from the date of the alleged violation or within a reasonable time after the consumer discovers or should have discovered the violation, whichever is later, may apply to any court of competent jurisdiction for appropriate relief, including but not limited to:

(1) injunctive relief or an order otherwise compelling compliance with this Code;

(2) compensatory damages which may be trebled if the act, omission or practice violates Sections 641.11 or 641.12, and/or punitive damages;

(3) such other or further relief as is appropriate for the enforcement of this Code and elimination and prevention of violations thereof.

(c) The court may award to the City or the complainant reasonable attorneys' fees and costs of litigation, and the City shall recover its reasonable costs of investigation of the violation.

**Section 643.12 Cease and Desist Orders**

If the Manager has reason to believe that a person has violated this Code, he may order such person subject to this Code to cease and desist from engaging in such violations or from engaging in unfair, deceptive, fraudulent or unconscionable conduct. If after the order is made, a written request for hearing is filed with the Director and no hearing is held within thirty days thereafter, the order is rescinded. Any determination or order made after a full hearing by the Director, and any order if no hearing is requested within thirty days shall become a lawfully made final order and thereafter subject to judicial review at law.

**Section 645.02 Display of Prescription Drug Prices**

Every pharmacy must post at each counter over which prescription drugs are sold, a list conspicuously displaying the current selling price of the drugs by their common generic and brand names designated on a form prescribed for that purpose by the Office of Fair Housing and Consumer Affairs.

**Section 645.03 Regulations and Exemptions**

The Manager of Fair Housing and Consumer Affairs shall promulgate regulations, under Section 643.06, designating those prescription drugs which because of the frequency with which they are prescribed, shall be posted under Section 645.02. The Manager may exempt from such regulation such drugs whenever he finds that, because of the nature of such prescription drugs, compliance with Section 645.02 is unreasonably burdensome and unnecessary for adequate protection of consumers. The Manager shall promulgate such other regulations as shall be necessary to effectuate the purposes of this chapter, including but not limited to, requirements as to the man-

ner of display of prescription drug prices and other information related to prescription drugs.

**Section 645.04 Failure to Post Prices; Enforcement**

Failure to post prices, as required in Section 645.02, constitutes an unconscionable trade practice under the provisions of Section 641.12, and is otherwise subject to all the legal remedies and penalties available to the Manager, who is authorized to enforce the provisions of this chapter.

**Section 647.07 Extension of Time for Compliance**

Any retail establishment which is unable to comply with this chapter within the time set forth herein may apply to the Manager of Fair Housing and Consumer Affairs for permission to extend such time for compliance for an initial period not to exceed thirty days. Such retail establishment shall set forth, in as much detail as possible, the reasons for its inability to comply. The Manager may extend such period from time to time, upon such terms and conditions as he may deem reasonable, but not to exceed ninety days in total.

**Section 649.03 Failure to Post Prices; Enforcement**

Failure to post prices as set forth in Sections 649.01 and 649.02 constitutes an unconscionable trade practice under the provisions of Section 641.12, otherwise subject to all of the legal remedies and penalties available to the Manager of Fair Housing and Consumer Affairs, who is authorized to enforce the provisions of this chapter.

**Section 651.03 Enforcement; Exceptions**

The Manager of Fair Housing and Consumer Affairs shall enforce the provisions of Section 651.02. The Manager may grant an extension of time for compliance with the section where a written request supported by evidence of exceptional circumstances and substantial efforts to comply prior to the effective date would justify his finding that full compliance on or before the effective date would be impossible or create undue financial hardship in the particular instance.

**Section 659.05 Enforcement**

The Manager of Fair Housing and Consumer Affairs is charged with the enforcement of this Chapter. The Manager shall promulgate such rules, regulations and procedures as he or she may deem necessary to aid in the administration and enforcement of the provisions of this Chapter. For the purpose of enforcement of the provisions of this Chapter, the Manager shall maintain a listing of those business entities that have been determined to make predatory loans under this Chapter and shall regularly distribute this listing to all City departments. This listing shall also be made available to the public free of charge by request of the Office of Fair Housing and Consumer Affairs. The Manager shall also maintain a list of HUD-certified housing counseling agencies and shall make such list available upon request. The Manager of Fair Housing and Consumer Affairs may make findings with respect to predatory loans and lenders who make such loans based on recommendations made by a Consumer Advisory Council.

**Section 665.02 Definitions**

As used in this Chapter:

(a) "Aggrieved person" includes any person who:

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(b) "Covered multi-family dwellings" means buildings consisting of four or more units, if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(c) "Disability"

(1) means, with respect to a person:

A. a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self such as: performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working;

B. a record of a physical or mental impairment;

C. being regarded as having a physical or mental impairment; or

D. any person associated with that person, and any person residing or intending to reside with that person.

(2) does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. Section 802.

(d) "Manager of Fair Housing and Consumer Affairs" means the Manager as established and defined in Section 137.03.

(e) "Fair Housing Board" means the Board as established and defined in Section 665.05.

(f) "Familial status" refers to the status of:

(1) one or more individuals (who have not attained the age of eighteen years) being domiciled with:

A. a parent or another person having legal custody of the individual or individuals; or

B. the designee of the parent or other person having such custody, with the written permission of the parent or other persons.

(2) any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(g) "Gender identity or expression" means the gender-related identity, external presentation of gender identity through appearance, or mannerism or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

(h) "Housing for older persons" means:

(1) housing provided under any State or Federal program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program);

(2) housing intended for, and solely occupied by, persons 62 years of age or older;

(3) housing intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this division shall be consistent with regulations promulgated by the Secretary of HUD, which require that at least the following factors are present:

A. the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or if the provision of the facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons; and

B. that at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and

C. the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(4) Housing shall not fail to meet the requirements for housing for older persons by reason of:

A. there being persons residing in the housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of division (1)(2) or (3) of this section; provided that the new occupants of the housing meet the age requirements of division (1)(2) or (3); or

B. there being unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of division (1)(2) or (3).

(i) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.

(j) "Person" means one or more individuals, partnerships, associations, organizations, corporations, joint stock companies, mutual companies, legal representatives, trusts, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, appraiser, agent, employee, and lending institution.

(k) "Property", as used in this chapter, means any building, structure, facility or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied;

(1) as the residence, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other, and includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person with authorization of the owner, by the owner, or by the person's legal representative;

(2) for the purpose of operating a business, an office, a manufactory or public accommodation; or

(3) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(l) "Protected group" or "protected class" refers to persons who are or may be discriminated against on the basis of race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry.

(m) "Purchase" means to obtain property through sale.

(n) "Real estate broker" means a real estate agent or salesperson, or a limited real estate broker or salesperson as defined in Section 4735.01 of the Revised Code.

(o) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy property not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(p) "Sale or sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, property in return for consideration, or a contract or option to do any of the foregoing.

(q) "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality or heterosexuality, by orientation or practice.

(r) "Solicitation" or "solicit" means the mailing or delivery of any printed matter or any oral communication either in person or by telephone to the owner or occupant of property by any real estate broker, agent, sales representative or other person for any of the following purposes:

(1) advertising the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell or rent property; (2) requesting or suggesting that the owner or occupant list his property for sale or rent; or

(3) offering to purchase or rent the owner's property.

**Section 665.05 Fair Housing Board; Powers; Duties; Responsibilities**

(a) There is hereby established a Fair Housing Board which shall consist of five members: one (1) appointed by the Mayor; one (1) appointed by the Council; and three (3) citizen members nominated by the Mayor and confirmed by Council. The member appointed by the Mayor and the member appointed by Council each shall be appointed for a term of three (3) years. Of the citizen members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years; thereafter appointments shall be for three (3) years.

(b) After January 1, 2011, and upon expiration of the terms of the members appointed under division (a), appointments to the Fair Housing Board shall be as follows: two (2) appointed by the Mayor; two (2) appointed by the Council; and one (1) citizen member nominated by the Mayor and confirmed by Council. The members shall each be appointed for a term of three (3) years. To accomplish this change in the appointment process, the first expired term of a citizen member appointed under division (a) shall be filled by the Mayor; the second expired term of a citizen member appointed under division (a) shall be filled by Council. Thereafter, all appointments shall be made in accordance with this division.

(c) The Fair Housing Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of any section. The Board shall have and may exercise the following powers to implement the purposes of this chapter:

(1) to hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(2) to subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(3) to adopt such rules and regulations as the Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;

(4) to do such other acts as are necessary and proper to perform those duties with which the Board is charged under this chapter, including the provision of referral services for the community;

(5) to collect, analyze and study the results of investigations made under this chapter and report to the Mayor and City Council on or before January 31 of each calendar year on the working of this chapter for the purpose of advising on and recommending amendments to this chapter;

(6) to conduct a continuing program of education and community organization throughout the City;

(7) to initiate an investigation without the filing of an official complaint, provided a majority of the Board elects to proceed based upon reasonable cause to believe that violations of this chapter are occurring or have occurred. The Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint;

(8) to enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter;

(9) to refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate;

(10) if the Board has reasonable cause to believe that any person or persons are engaged in unlawful discriminatory housing practices as described in Section 665.03, the Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction on behalf of the City. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter.

#### **Section 665.07 Investigation of Complaints**

(a) Investigations shall be commenced by the Manager of Fair Housing and Consumer Affairs or his or her designee or designees within thirty (30) days after a complaint has been received. Conciliation, under Section 665.08, shall be attempted beginning with the filing of the complaint and ending with the filing of a charge or a dismissal of the complaint. If conciliation has failed and the investigation has been completed, the Manager of Fair Housing and Consumer Affairs shall determine that:

(1) there are reasonable grounds to believe that a violation of Section 665.03 has occurred, in which case the Manager of Fair Housing and Consumer Affairs shall issue a charge stating the facts forming the basis for the finding of reasonable grounds to believe discrimination occurred or is about to occur under Section 665.03. The Manager of Fair Housing and Consumer Affairs shall

then forward the complaint to the Fair Housing Board for a hearing, under Section 665.09; or

(2) there are no reasonable grounds to believe that a violation of Section 665.03 has occurred or was about to occur, in which case the Manager of Fair Housing and Consumer Affairs shall prepare and issue a written notice of dismissal, within five (5) days of the finding of no reasonable grounds, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen (14) days of receipt of notice of dismissal, the complainant may request, in writing, reconsideration by the Fair Housing Board of the dismissal. By a majority vote, the Fair Housing Board may affirm or reverse the dismissal. If the Fair Housing Board reverses, it shall refer the complaint to the Manager of Fair Housing and Consumer Affairs for conciliation and other actions consistent with this chapter.

(b) The Manager of Fair Housing and Consumer Affairs shall complete the investigation within one hundred (100) days after receipt of the complaint, unless impracticable, in which case the Fair Housing Board shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

(c) The Manager of Fair Housing and Consumer Affairs and his or her designee and staff may be assisted in the investigation by a fair housing agency or other appropriate organization or person under contract with the City.

#### **Section 665.08 Conciliation Process**

(a) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Fair Housing Board, the Fair Housing Board shall, to the extent feasible, engage in conciliation with respect to such complaint. As appropriate, the Manager of Fair Housing and Consumer Affairs or his or her designee shall:

(1) notify the complainant and respondent of the time, place and date of the conciliation conference at least ten (10) days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(2) attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Board. The terms of the conciliation agreement shall be made public, unless the complainant and the respondent agree otherwise and the Fair Housing Board determines that disclosure is not required to further the purposes of this chapter.

(b) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

#### **Section 665.10 Hearing Decisions**

(a) Within thirty (30) days of the close of the hearing, the Fair Housing Board shall deliver its decision, which shall be rendered in the form of a written order and which shall include findings of fact and a statement as to whether the respondent has violated or was about to violate Section 665.03 and any remedial actions as the Fair Housing Board may order under Section 665.13. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person on request and payment of reproduction costs.

(b) If the Fair Housing Board is unable to make a recommendation within the time frame indicated in section (a), the Fair Housing Board shall notify the Manager of Fair Housing and Consumer Affairs, the complainant and the respondent in writing of the reasons for not doing so.

**Section 10.** That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 159.01, as amended by Ordinance No. 729-72, passed June 26, 1972,

Section 641.05, as enacted by Ordinance No. 729-72, passed June 26, 1972,

Section 643.04, as amended by Ordinance No. 125-82, passed December 20, 1982,

Sections 643.05 and 643.06, as amended by Ordinance No. 1345-01, passed December 10, 2001,

Sections 643.07 and 643.08, as enacted by Ordinance No. 729-72, passed June 26, 1972,

Section 643.11, as amended by Ordinance No. 1345-01, passed December 10, 2001,

Section 643.12, as enacted by Ordinance No. 729-72, passed June 26, 1972

Sections 645.02, 645.03, and 645.04, as enacted by Ordinance No. 709-74, passed July 29, 1974,

Section 647.07, as enacted by Ordinance No. 2269-74, passed June 30, 1975,

Section 649.03, as enacted by Ordinance No. 641-74, passed June 24, 1974,

Section 651.03, as amended by Ordinance No. 1640-73, passed August 10, 1973,

Section 659.05, as enacted by Ordinance No. 737-02, passed April 22, 2002,

Section 665.02, as amended by Ordinance No. 1260-08, passed November 30, 2009,

Section 665.05, as amended by Ordinance No. 2317-04, passed December 13, 2004,

Section 665.051, as amended by Ordinance No. 1081-01, passed June 19, 2001,

Section 665.07, as amended by Ordinance No. 295-08, passed April 7, 2008,

Section 665.08, as amended by Ordinance No. 162-A-2000, passed December 4, 2000, and

Section 665.10, as amended by Ordinance No. 295-08, passed April 7, 2008,

are repealed.

**Section 11.** That concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately on the adoption of the concurring resolution, which

resolution shall be attached by the Clerk of Council to this ordinance.

**Section 12.** That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the Director of Consumer Affairs or Fair Housing Administrator shall be amended to read "Manager of Fair Housing and Consumer Affairs", any references to the Department of Consumer Affairs shall be amended to read "Office of Fair Housing and Consumer Affairs", any references to the Division of Real Estate shall be amended to read "Division of Neighborhood Development", and any references to the Commissioner of Real Estate shall be amended to read "Division of Neighborhood Development".

**Section 13.** That the Clerk of Council is authorized when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references to the Director of Consumer Affairs to read "Manager of Fair Housing and Consumer Affairs", Department of Consumer Affairs to read "Office of Fair Housing and Consumer Affairs", Division of Real Estate to read "Division of Neighborhood Development", the Commissioner of Real Estate to read "Commissioner of Neighborhood Development" consistent with this ordinance.

**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.

Passed December 6, 2010.  
Effective December 6, 2010.

**COUNCIL COMMITTEE MEETINGS**

**Tuesday, February 22, 2011  
9:00 a.m.**

**General Fund Budget Hearings:**  
Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Wednesday, February 23, 2011  
9:00 a.m.**

**General Fund Budget Hearings:**  
Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Thursday, February 24, 2011  
9:00 a.m.**

**General Fund Budget Hearings:**  
Present: Sweeney, Chair; Kelley,

Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Friday, February 25, 2011  
9:00 a.m.**

**General Fund Budget Hearings:**  
Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Monday, February 28, 2011  
9:00 a.m.**

**General Fund Budget Hearings:**  
Present: Sweeney, Chair; Kelley, Vice Chair; Cleveland, Brady, Brancatelli, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Tuesday, March 1, 2011  
9:00 a.m.**

**General Fund Budget Hearings:**  
Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Wednesday, March 2, 2011  
9:00 a.m.**

**General Fund Budget Hearings:**  
Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

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