

The City Record

Official Publication of the Council of the City of Cleveland



May the Ninth, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 99

WEDNESDAY, MAY 9, 2012

No. 5135

CITY COUNCIL

MONDAY, MAY 7, 2012

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

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 7, 2012

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

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

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

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 J. Johnson the reading of the minutes of the last meeting was dispensed with and the Clerk was instructed to correct the journal of

the May 2, 2012 City Record, Volume 99, No. 5134 to include Resolution No. 626-12, as a First Reading Emergency Resolution Read in Full and Adopted, which was inadvertently omitted from the May 2, 2012 City Record. Journal approved. Seconded by Council Member Cummins.

FIRST READING EMERGENCY RESOLUTION READ IN FULL AND ADOPTED

Res. No. 626-12.

By Council Member Cummins.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 2850 West 25th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Krupa Two, Inc., DBA I-90 Citgo Road Mart, 2850 West 25th Street, Cleveland, Ohio 44109, Permanent Number 4895628 to Layan Noor, Inc., DBA Road Mart, 2850 West 25th Street, Cleveland, Ohio 44109, Permanent Number 5068778; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Krupa Two, Inc., DBA I-90 Citgo Road Mart, 2850 West 25th Street, Cleveland, Ohio 44109, Permanent Number 4895628 to Layan Noor, Inc., DBA Road Mart, 2850 West 25th Street, Cleveland, Ohio 44109, Permanent Number 5068778; 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

COMMUNICATION

File No. 677-12.

From Cleveland Housing Network — Cleveland Green Homes III — Various Wards — notification letter as general partner of residential rental development project and utilizing multifamily funding programs of the Ohio Housing Finance Agency (OHIA) Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 678-12.

Re: 0623390 — D5 Transfer of Ownership and Location Application — Bennys Sports Café, LLC, 3463 Fulton Road. (Ward 14) Received.

File No. 679-12.

Re: 4895627 — C2, C2X, D6 Stock Application — Krupa One, Inc., d.b.a. Tonys Market, 3114 Clark Avenue, rear building. (Ward 14) Received.

File No. 680-12.

Re: 4895627 — Liquor Agency Contract — Krupa One, Inc., d.b.a. Tonys Market, 3114 Clark Avenue, rear building. (Ward 14) Received.

File No. 681-12.

Re: 98714520010 — C1 New Application — ZKS 130 Inc., 3935 West 130th Street. (Ward 17) Received.

OATHS OF OFFICE

File No. 682-12.

From: Joellen O'Neill — Captain — Division of Police. Received.

File No. 683-12.

From: Joellen O'Neill — Commander — Division of Police. Received.

File No. 684-12.

From: Reinhold Kauntz — Captain — Division of Police. Received.

File No. 685-12.

From: Dennis Lally — Sergeant — Division of Police. Received.

File No. 686-12.

From: Brigitte Dorr-Guiseir — Sergeant — Division of Police. Received

File No. 687-12.

From: Dorothy Todd — Sergeant — Division of Police. Received

File No. 688-12.

From: Daniel Flave — Lieutenant — Division of Fire. Received

File No. 689-12.

From: John Verzi — Lieutenant — Division of Fire. Received

File No. 690-12.

From: Dennis Hill — Captain — Division of Police. Received

CONDOLENCE RESOLUTIONS

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

Res. No. 691-12—Willene Huron (Pierce) Day.

Res. No. 692-12—Joseph DeCaro.

Res. No. 693-12—Mary Ellen White.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 694-12—Janet Desvari.

Res. No. 695-12—Megan Sopko.

Res. No. 696-12—Patrol Officer Raymond Pagor - Badge #59.

RECOGNITION RESOLUTIONS

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

Res. No. 697-12—Cinco de Mayo (2012).

Res. No. 698-12—Lt. Andrew Gorski.

Res. No. 699-12—Firefighter Jim Oleksiak.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 650-12.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed, uniformed security guard services, for the various divisions of City government, for a period of two years.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of two years, for the necessary items of unarmed, uniformed

security guard services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1505, RL 2012-32)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 651-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of natural gas, for the various divisions of City government, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year, with two one-year options to renew, exercisable by the Director of Finance, for the purchase of natural gas for the various divisions of City government, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis (per Mcf) for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all City natural gas accounts as a single

contract, or by separate contract for each or any combination of City natural gas accounts as the Board of Control determines. Alternate bids for a period less than the term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1501, RL 2012-30)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 652-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to maintain, replace, or repair overhead doors, for the various divisions of City government, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year, with two one-year options to renew exercisable by the Director of Finance, of the necessary items of labor and materials needed to maintain, replace, or repair overhead doors in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision

is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1501, RL 2012-31)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 653-12.

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

An emergency ordinance authorizing the Mayor to execute a Release of Covenant and Deed Restrictions for approximately 9.8 acres of land upon which Buildings 500 and 501 of the National Aeronautics and Space Administration's Glenn Research Center are situated.

Whereas, on April 30, 1952, the City of Cleveland, by Official Deed recorded in Volume 8041, Page 262 of Cuyahoga County Records, conveyed real property to the United States of America that contained deed covenants and deed restrictions that restricted the land use to governmental aeronautical research purposes; and

Whereas, the National Aeronautics and Space Administration ("NASA") erected the NASA Glenn Research Center; and

Whereas, approximately 9.8 acres of that property, upon which buildings 500 and 501, are situated are determined to be surplus by NASA; and

Whereas, NASA seeks to sell the surplus 9.8 acres through the United States General Services Administration ("GSA"); and

Whereas, the GSA has requested the City release the covenants and deed restrictions upon the surplus property in order for GSA to sell it; and

Whereas, this Council agrees to release the covenants and deed restrictions on the approximately 9.8 acres of property that buildings 500 and 501 are situated and are part of the NASA Glenn Research Center Complex; 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 Law shall prepare and the Director of Port Control shall execute on behalf of the City of Cleveland a Release of Covenants and Deed Restrictions for approximately 9.8 acres of property that buildings 500 and 501 are situated and are part of the NASA Glenn Research Center Complex, in order to remove the restrictive covenants and deed restrictions from the Official Deed which no longer apply to or benefit the City of Cleveland.

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, City Planning Commission, Finance, Law; Committees on Aviation and Transportation, City Planning, Finance.

Ord. No. 654-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way of East 105th Street by installing, using, and maintaining an electrical duct bank.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195 ("Permittee"), to encroach into the public right-of-way of East 105th Street below grade, by installing, using, and maintaining an electrical duct bank, at the following location:

**ELECTRIC DUCT BANK
ENCROACHMENT WITHIN
EAST 105TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being an Encroachment, 10 feet in width, through E. 105th Street, south of Euclid Avenue, north of Carnegie Avenue and more fully described as follows:

Beginning at a centerline monument found at the intersection of Euclid Avenue with E. 105th Street; Thence southeasterly along the centerline of E. 105th Street, S-01°05'59"-E (bearings referenced to the Ohio Coordinate System, North Zone, NAD83), 553.54 feet to the True Place of Beginning for the easement hereinafter described;

Thence northeasterly across E. 105th Street, N-85°16'34"-E, 40.08 feet to the easterly right-of-way line of said E. 105th Street;

Thence southeasterly along said easterly right-of-way line, S-01°05'59"-E, 10.02 feet to a point;

Thence southwesterly across E. 105th Street, S-85°16'34"-W, 75.15 feet to the westerly right-of-way line of said E. 105th Street;

Thence northwesterly along said westerly right-of-way line, N-01°05'59"-W, 10.02 feet to a point;

Thence northeasterly across E. 105th Street, N-85°16'34"-E, 35.07 feet to the True Place of Beginning for the easement hereinbefore described and containing 752 Square Feet of land as surveyed by Daniel C. Kalstrom, Professional Surveyor (Reg. No. 6302) in April, 2012.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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 Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning Commission, Finance.

Ord. No. 655-12.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the Mental Health and Substance Abuse Prevention Program; and to enter into an agreement with the Board for the City to receive payments from the Medicaid program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$230,000 and any other funds that may become available during the grant term, from the Alcohol and Drug Addiction Services Board of Cuyahoga County to conduct the Mental Health and Substance Abuse Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under

the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 655-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health is authorized to enter into an agreement with the Alcohol and Drug Addiction Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

Section 4. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 5. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 6. That the Director of Public Health is authorized to charge and accept fees from participants of this program, according to the sliding fee scale placed in the file, and to deposit those fees into a revolving fund which will be used to provide additional materials equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

Section 7. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds, Medicaid payments accepted under this ordinance, and from the fund or funds to which are credited any fees received under this program.

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

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

Ord. No. 656-12.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Public Health Emergency Preparedness Grant Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$159,931, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health to conduct the Public Health Emergency Preparedness Grant Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the administrative summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in

File No. 656-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

Ord. No. 657-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

Section 2. That eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

Section 3. That the cost of the contracts shall not exceed \$4,545,000, and shall be paid from Fund Nos. 19 SF 660 and 14 SF 038. Request No. RQS 8006, RL 2012-0069.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund Nos. 14, and 19 and utilize said repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and Fund 19. The revenues generated as a result of charging fees are hereby appropriated for additional program and operating expenses for Housing Trust Fund activities.

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

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

Ord. No. 658-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

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

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

Section 1. That the Director of Community Development is authorized

to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

Section 2. That the cost of the contracts authorized in this ordinance shall not exceed \$1,455,600, and amounts remaining from Ordinance No. 603-10, passed June 7, 2010 and Ordinance No. 698-11, passed June 11, 2011, payable from the ordinances listed above and from Fund No. 14 SF 038, RQS 8006 RL 2012-0067.

Section 3. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial, real estate development and other CDBG eligible activities, and the program income is appropriated for those purposes.

Section 4. That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

Section 5. That the Director of Community Development is authorized to enter into or amend contracts with for-profit or non-profit organizations serving as the fiscal agent for the various agencies to provide housing, commercial, industrial, and real estate development activities.

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

Ord. No. 659-12.

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

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Public Works to lease space from the Greater New Calvary Baptist Church to provide facilities for recreation activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide social service programs.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio,

1976, and as amended, the Director of Public Works is authorized to lease from the Greater New Calvary Baptist Church, a gym located at 822 East 150th Street, Cleveland, Ohio, for a period of one year.

Section 3. That the rent for the lease shall be \$9,900 per year; that the lease may provide for the City to pay for the installation and operating cost of utility services to the leased premises; that the lease shall be for the purpose of providing a facility for recreation activities; and that the lease shall be prepared by the Director of Law.

Section 4. That the Director of Community Development is authorized to enter into Memoranda of Understandings with the Director of Public Works for the purposes described in this ordinance.

Section 5. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional social service activities and the program income is appropriated for those purposes.

Section 6. That the cost of the contracts authorized by this ordinance shall not exceed \$1,387,500 and amounts remaining from Ordinance No. 602-10, passed June 7, 2010 and Ordinance No. 694-11, passed June 10, 2011, payable from the ordinances listed above and from Fund No. 14 SF, RQS 8006, RL 2012-0068.

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

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

Ord. No. 660-12.

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

An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 38 and 2012 Federal HOME grant funds, from the United States Government; and

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

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

Section 1. That the Director of Community Development is authorized to expend funds from CDBG Fund No. 14 SF 038 in the amount of \$957,199, and Federal HOME Program Fund No. 19 SF 660 in the amount of \$514,869, and prior years balances for the operation of Low Interest Loan and Grant Home Repair Programs, including all related services. Programs include: Senior Home Owners Assistance Program (SHAP), Afford-A-Home

(AAH), Repair-A-Home (RAH), Corrective Action Grant, Housewarming, Furnace Repair, Home Maintenance Assistance Program (HMAP) and Lead Hazard Abatement Program. Request No. RQS 8006, RL 2012-0066.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under the programs and to utilize the repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses, which repayments and program income are appropriated for those purposes.

Section 4. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 5. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and are hereby appropriated for the purposes of the Low Interest Loan and Grant Program.

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

Ord. No. 661-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events and to actively market the Public Auditorium as a premier site for the hosting of major events.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with The Greater Cleveland Sports Commission to provide finan-

cial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events and to actively market the Public Auditorium as a premier site for the hosting of major events.

Section 2. That the costs of the grant shall not exceed an amount of \$200,000 and shall be paid from Fund No. 17 SF 652, RQS 9501, RL 2012-80.

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

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

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

Ord. No. 662-12.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept one or more grants from the Western Reserve Area Agency on Aging for 2013 and 2014 Western Reserve Area Agency on Aging Programs, including Support Service and Aging and Disability Resource Center Programs; and authorizing the director to accept gifts from any public or private entity for the purposes of this grant.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept one or more grants in the approximate amount of \$330,000 per year during the grant term, and any other funds that may become available during the grant term from the Western Reserve Area Agency on Aging for 2013 and 2014 Western Reserve Area Agency on Aging Programs, including Support Service and Aging and Disability Resource Center Programs; that the Director of Aging is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 662-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Aging is authorized to accept gifts of cash or equipment from any public or private agency for the purposes of this grant. The Director is further authorized to file all papers and execute all documents necessary to

receive the funds accepted under this ordinance, and upon acceptance of the funds by the Director, they shall be appropriated for the purposes of this ordinance.

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

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 Aging, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 663-12.

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

An emergency ordinance authorizing the Director of Capital Projects to enter into an agreement with FED Main Street, LLC to accept the donation of design plans and specifications necessary to make the improvements to the Flats Eastbank Roadway; determining the method of making the public improvement of improving the roadway; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Section 1. That the Director of Capital Projects is authorized to enter into an agreement with FED Main Street, LLC to accept the donation of design plans and specifications necessary to make the improvements to the Flats Eastbank Roadway, which will comprise the rehabilitation of Main Avenue from West 10th Street to West 9th Street, West 9th Street, Lakeside Avenue westbound from West 9th Street to Summit, and Lakeside Avenue eastbound from West 9th Street to West 6th Street, including but not limited to, sidewalks, curbs, medians, brick pavers, ADA-compliant ramps, streetscape, enhanced cross walks,

drainage upgrades, and asphalt overlay (the "Improvement").

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvement, for the Office of Capital Projects, by contract duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

Section 3. That the Director of Capital Projects is authorized to enter into contract for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That the Director of Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 5. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 6. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 7. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

Section 8. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 9. That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from the fund or funds to which are credited any proceeds from the sale of 2012 general obligation bonds authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance for this purpose.

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

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

Ord. No. 664-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with the County of Cuyahoga and to enter into or amend a memorandum of understanding with the Department of Aging for administrative costs for the implementation of homeless assistance activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with the County of Cuyahoga and to enter into or amend a memorandum of understanding with the Department of Aging for administrative costs for the implementation of homeless assistance activities.

Section 2. That the aggregate cost of the contracts and administrative costs of the Department of Aging authorized shall not exceed \$1,340,537 and shall be paid from Fund Nos. 19 SF 651 and 19 SF 661, RQS 8006, 2012-71.

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

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

Ord. No. 665-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 60116 with Fairfax Renaissance Development Corporation to change the interest rate of the loan and to extend the loan maturity date.

Whereas, under Ordinance No. 366-02, passed April 15, 2002, this Council authorized the Director of Economic Development to enter into Contract No. 60116 with Fairfax Renaissance Development Corporation to receive a loan and grant to partially finance the acquisition, remediation, demolition and other predevelopment costs to enable the redevelopment of the area bounded by Quincy Avenue, Keyes Avenue, East 79th Street, and East 82nd Street; and

Whereas, a reduction in the annual interest rate and the extension of the loan maturity date for an additional thirty (30) years is desired by all parties; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 60116 with Fairfax Renaissance Development Corporation to change the interest rate of the loan and to extend the loan maturity date. Under the amendment, the principal balance of \$594,000 will be amortized over 30 years at 2% annually. Monthly debt service payments will begin on June 1, 2012 and end of May 1, 2042. The City will accept prepayment with no penalty.

Section 2. That the amendment will 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 666-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 53903 with LH Development LLC to defer principal and interest payments to November 30, 2013 with a one year option, subject to the review and recommendation of the CCDC Loan Review Committee to defer principal and interest payments until November 30, 2014.

Whereas, under Ordinance No. 1276-98, passed July 29 1998, as amended by Ordinance No. 2011-98, passed November 19, 1998, this Council authorized the Director of Economic Development to enter into a contract with LH Development LLC ("Borrower") for a Neighborhood Development Investment Fund Loan to assist Borrower in the acquisition and redevelopment of land and buildings comprising the Lee-Harvard Shopping Center; and

Whereas, under Ordinance No. 1160-05, passed June 6, 2005, this Council authorized an amendment to that agreement to change the repayment date for five years and to change certain loan terms; and

Whereas, under Ordinance No. 1462-10, passed November 22, 2010, this Council authorized the Director of Economic Development to enter into Contract No. 53903 with LH Development LLC to change the date principal and interest payments will be deferred to November 1, 2011; and

Whereas, under Ordinance No. 5-11, passed January 10, 2011, this Council authorized an amendment to that contract to change the date principal and interest payments will be deferred to November 30, 2011; and

Whereas, an additional change to defer principal and interest payments to November 30, 2013 is desired by both parties, with a one year option, subject to the review and recommendation of the CCDC Loan Review Committee to defer

principal and interest payments until November 30, 2014; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 53903 with LH Development LLC to defer all principal and interest payments under that agreement, as amended, until November 30, 2013, with a one-year option, subject to the review and recommendation of the CCDC Loan Review Committee to defer principal and interest payments until November 30, 2014. During this deferral of principal and interest payments, interest shall accrue on the unpaid principal at the rate of 2% per annum. Beginning December 1, 2013, Borrower shall make sixty (60) remaining monthly payments of principal and interest with a balloon payment due and payable on December 1, 2018.

Section 2. That the amendment will 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 667-12.

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

An emergency ordinance authorizing the Director of Community Development to transfer property described as Permanent Parcels 126-37-038, 126-37-039, 126-37-040, 126-37-041, 126-37-042, 126-37-043, 126-38-016, 126-38-017, and 126-38-018 to the control, possession, and use of the Department of Public Works for development of the East Side Maintenance Center for the Department of Public Works.

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

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

Whereas, the property to be transferred is a component of the City of Cleveland's land reutilization program and, as such, can be retained by the City for devotion to public use under Section 5722.07 of the Revised Code upon the approval of the legislative authorities of those taxing districts entitled to share in the proceeds from the sale thereof; and

Whereas, on April 17, 2012, the Board of Education of the Cleveland Metropolitan School District approved of the City's retention of the property described in this ordinance; and

Whereas, on April 10, 2012, the County Council of Cuyahoga County, Ohio, adopted Resolution No. R2012-0051, under which the County Council approved the City's retention of the property described in this ordinance; and

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

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

Section 1. That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to transfer the following described property to the control, possession, and use of the Department of Public Works for development of the East Side Maintenance Center for the Department of Public Works:

P. P. No. 126-37-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 3 in J.S. Stewart and G.W. Cromwell's Subdivision of part of Original 100 Acre Lots Nos. 424 and 425, as shown by the recorded plat in Volume 7, Page 21 of Cuyahoga County Records, and being 43 feet inch front on the westerly side of Woodhill Road S.E., and extending back 167 feet 11 inches on the Northerly line, 138 feet 5 inches on the Southerly line, and having a rear line of 40 feet, as appears by said plat.

AND that five (5) foot portion of the vacated alley along the rear portion of the property as vacated by City of Cleveland Ordinance 64748.

P. P. No. 126-37-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in J.S. Stewart and G.W. Cromwell's Subdivision of part of Original 100 Acre Lots Nos. 424 and 425, as shown by the recorded plat in Volume 7, Page 21 of Cuyahoga County Records and being 34 feet 5 inches front on the Northwesterly side of Woodhill Road, S.E., (formerly Woodland Hills Avenue) 138 feet 5 inches deep on the Northerly line, 126 and 2 inches deep on the Southerly line and 32 feet wide in the rear as appears by said plat, be the same more or less, but subject to all legal highways.

AND that five (5) foot portion of the vacated alley along the rear portion of the property as vacated by City of Cleveland Ordinance 64748.

P. P. No. 126-37-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in the Cromwell & Stewart Subdivision of part of Original 100 Acre Lots Nos. 424 and 425, as shown by the recorded plat in Volume 7, Page 21 of Cuyahoga County Records.

Said Sublot No. 9 has a frontage of 40 feet on the Southerly side of Sophia Avenue SE and extends back 105 feet 4 inches on the Easterly line, 105 feet 1 inches on the Westerly line and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

AND that five (5) foot strip of land adjacent to the Easterly line of Sublot No. 9 from front to rear as vacated by the City of Cleveland Ordinance No. 64748.

P. P. No. 126-37-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 35 feet of Sublot No. 10 in J.S. Stewart and G.W. Cromwell's Subdivision of part of Original 100 Acre Lots Nos. 424 and 425, as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Sophia Avenue SE, and extending back 105 feet 1 inches deep on the Easterly line about 104 feet 11 inches deep on the Westerly line, and being 35 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-37-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 5 feet of Sublot 10 and all of Sublot No. 13 in J.S. Stewart and G.W. Cromwell's Subdivision of a part of Original 100 Acre Lots Nos. 424 and 425, as shown by the recorded plat of said subdivision in Volume 7 of Maps, Page 21 of Cuyahoga County Records. Said part of said Sublot 10 and Sublot 13 together form a parcel of land having a frontage of 45 feet on the Southerly side of Sophia Avenue, S.E., extends back 104 feet 8 inches on the Westerly line, about 104 feet 11 inches on the Easterly line and having a rear line of 45 feet, be the same more or less, but subject to all legal highways.

Also subject to Zoning Ordinances, if any.

P. P. No. 126-37-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being the Easterly 30 feet of Sublot No. 14 in J.S. Stewart and G.W. Cromwell's Subdivision of part of Original 100 Acre Lots Nos. 424 and 425, as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Sophia Avenue SE and extending back 104 feet 8 inches on the Easterly line, 104 feet and 6 inches on the Westerly line, and having a rear line of 30 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 126-38-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lots Numbers Four Hundred and Thirty-two (432) and Four Hundred and Thirty-three (433) and bounded and described as follows:

The beginning point is the center line of Woodhill Road S.E. (formerly known as Woodland Hills Avenue) at the Southeast corner of that certain 1.087 acre parcel of land that was conveyed by The Belt and Terminal Realty Company to The Van Dorn and Dutton Company by deed dated August 21, 1918 and recorded in Volume 2037, Page 347 of Cuyahoga County Records;

Thence West, along the Southerly line of said 1.087 acre parcel of land, a distance of 476.40 feet, more or less, to the Southwest corner thereof, which Southwest corner is also in the Easterly line of that certain 0.4707 acre strip of land that was conveyed by the

Belt & Terminal Realty Company to the New York Central Railroad Company by Deed dated December 18, 1918 and recorded in Volume 2162, Page 198 of Cuyahoga County Records;

Thence Southerly, along the Easterly line of said 0.4707 acre strip of land, South 24 degrees 8 minutes 10 seconds West, a distance of 164.37 feet, more or less, to the intersection of said Easterly line with a line drawn parallel to and distant Southerly One Hundred and Fifty (150) feet, by rectangular measurement, from the southerly line of the 1.087 acre parcel of land aforesaid;

Thence East, along said line drawn parallel to and distant Southerly One Hundred and Fifty (150) feet, by rectangular measurement, from said Southerly line of said 1.087 acre parcel, a distance of 485.15 feet, more or less, to the center line of Woodhill Road S.E. aforesaid;

Thence along the center line of Woodhill Road S.E., North 21 degrees 17 minutes 30 seconds East, a distance of 180.99 feet more or less, to the place of beginning; And containing 1.6555 acres of land, be the same more or less, but subject to all legal highways.

P. P. No. 126-38-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lots Nos. 432 and 433, and bounded and described as follows:

Beginning on the center line of Woodhill Road S.E., 80 feet in width, formerly Woodland Hills Avenue, at the Southeast corner of Parcel No. 3 of lands conveyed to The Weldon Tool Company by deed dated August 1, 1939 and recorded in Volume 4975, Page 346 of Cuyahoga County Records; thence West along the Southerly line of land so conveyed, and continuing along the most southerly line of land in Parcel No. 1 of lands so conveyed to The Weldon Tool Company, a distance of 454.43 feet to the Southwesterly corner thereof, being also in the Northwest corner of land conveyed to The Van Dorn and Dutton Company by deed dated July 12, 1915 and recorded in Volume 1710, Page 306 of Cuyahoga County Records, and in the Southeast corner of land conveyed to the New York Central Railroad Company by deed dated December 18, 1918 and recorded in Volume 2162, Page 298 of Cuyahoga County Records; thence South 24 degrees 8 minutes 10 seconds West along the Southeastly line of land so conveyed to the New York Central Railroad Company, a distance of 412.31 feet to the Southwesterly corner of land conveyed to The Van Dorn and Dutton Company by deed dated August 21, 1918 and recorded in Volume 2037, Page 347 of Cuyahoga County Records; thence East along the Southerly line of land so last conveyed to The Van Dorn and Dutton Company, a distance of 476.40 feet to the center line of Woodhill Road, S.E., as aforesaid; thence North 21 degrees 17 minutes 30 seconds East along the center line of Woodhill Road, S.E., a distance of 403.83 feet to the place of beginning, and containing 3.6493 acres of land, exclusive of one-half of Woodhill Road, S.E., according to the survey of George M. Garrett and Associates, registered Engineers and Surveyors, be the same more or less, but subject to all legal highways.

P. P. No. 126-38-018

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 1 in J.S. Stewart and G.W. Cromwell's Subdivision of part of Original 100 Acre Lots Nos. 424 and 425, as shown by the recorded plat of said Subdivision in Volume 7, Page 21 of Cuyahoga County Records.

Said Sublot No. 1 has a frontage of 36 feet 8 inches on the Westerly side of Woodhill Road S.E. (formerly Woodland Hills Avenue) and extends back 126 feet 2 inches on the Northerly line 125 feet 11 inches on the Southerly line, and is 33 feet 5 inches wide in the rear, be the same more or less, but subject to all legal highways.

AND that five (5) foot portion of the vacated alley along the rear portion of the property as vacated by City of Cleveland Ordinance 64748.

Parcel No. 2

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. 433, and bounded and described as follows:

Beginning on the center line of Woodhill Road S.E. (formerly Woodland Hills Avenue), at the Southeast corner of the 1.7357 acre parcel of land conveyed to The Van Dorn Electric Tool company by deed dated November 11, 1919 and recorded in Volume 2317, Page 49 of Cuyahoga County Records; thence Westerly along the Southerly boundary line of said 1.7357 acre parcel of land so conveyed to The Van Dorn Electric Tool company, a distance of 122.62 feet, more or less, to an angle therein; thence Southerly continuing along the said Southerly boundary line of said 1.7357 acre parcel of land so conveyed to The Van Dorn Electric Tool Company, a distance of 40.82 feet to an angle therein; thence Easterly along a line parallel to the first described line, a distance of 106.71 feet, more or less, to the center line of Woodhill Road S.E., thence North 21 degrees 17 minutes 30 seconds East along the center line of Woodhill Road S.E., a distance of 43.81 feet, more or less, to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, in Original One Hundred Acre Lots Numbers Four Hundred and Thirty two (432) and Four Hundred and Thirty-three (433) and known as being part of that certain 3.965 acre parcel of land that was conveyed by The Belt & Terminal Realty Company to the Van Dorn and Dutton Company, by deed dated July 12, 1915, and recorded in Volume 1710, Page 306, of Cuyahoga County Records, and bounded and described as follows:

The beginning point is in the center line of Woodhill Road S.E. (formerly Woodland Hills Avenue) at the Northeast corner of said parcel of land so conveyed to The Van Dorn & Dutton Company; thence West, along the Northerly line of said parcel of land, a distance of 444 feet to the Northwest corner thereof; thence South 24 degrees 8 minutes 10 seconds West along the Westerly line of said parcel of land, a distance of 195.85 feet to a point; thence East, parallel with the Northerly line of said parcel of land, a distance of 347.72 feet to a point;

thence North, at right angles with the last described line, a distance of 40.88 feet to a point; thence East parallel with the Northerly line of said parcel of land, a distance of 122.62 feet, more or less, to the center line of Woodhill Road S.E., said center line being also the Easterly line of said parcel of land so conveyed to The Van Dorn and Dutton Company; thence North 21 degrees 17 minutes 30 seconds East, along said center line of Woodhill Road S.E., a distance of 148.01 feet more or less, to the place of beginning. And containing 1.7357 acres of land, be the same more or less, but subject to all legal highways.

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

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

Referred to Directors of Community Development, Public Works, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Public Parks, Properties, and Recreation, City Planning, Finance.

Ord. No. 670-12.

By Council Members Brancatelli, Zone and Kelley.

An emergency ordinance to amend Section 347.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 944-08, passed October 13, 2008, relating to check cashing businesses, short-term loan lenders, small loan lenders, and mortgage loan lenders.

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 347.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 944-08, passed October 13, 2008, is hereby amended to read as follows:

Section 347.17 Check Cashing Businesses, Short-Term Loan Lenders, Small Loan Lenders and Mortgage Loan Lenders

(a) *Purpose.* The regulations of this section are established to regulate the location of check-cashing businesses, and certain businesses that make short-term loans, small loans and mortgage loans, for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to guard against market saturation which may lead to increased rates as an offset for lower business volume.

(b) *Definitions. For purposes of this section:*

(1) "Check-cashing business" means any business that is licensed, or is required to be licensed to cash checks under Sections 1315.21 through 1315.30 of the Revised Code;

(2) "Short-term loan lender" means any business that is licensed, or is required to be licensed to make short term loans under Sections 1321.35 through 1321.48 of the Revised Code;

(3) "Small loan lender" means any business that is licensed, or is required to be licensed to make small loans under Sections 1321.01 to 1321.19 of the Revised Code; and

(4) "Mortgage loan lender" means any business that is licensed or is required to be licensed to make mortgage loans under Sections 1321.51 through 1321.60 of the Revised Code.

(5) Exclusions. For purposes of this section, "check-cashing business," "short-term loan lender," "small loan lender" and "mortgage loan lender" do not include any bank, savings and loan, credit union or similar financial institution that is not licensed under, required to be licensed under, or otherwise regulated by the state laws cited in this division.

(c) *Spacing.* No check-cashing business, short-term loan lender, small loan lender or mortgage loan lender shall be established on a lot or lots within 1,000 feet of another lot or lots containing an existing check-cashing business, short-term loan lender, small loan lender or mortgage loan lender. No two check-cashing businesses, short-term loan lenders, small loan lenders or mortgage loan lenders, in any combination, shall be located in the same building or on the same lot.

(d) *Maximum Number.* There shall be no more than one check-cashing business, short-term loan lender, small loan lender or mortgage loan lender located within the City of Cleveland for each 20,000 persons residing in the City as recorded in the most recent decennial U.S. Census. No additional check-cashing businesses, short-term loan lenders, small loan lenders or mortgage loan lenders shall be established if the current number of check-cashing businesses, short-term loan lenders, small loan lenders or mortgage loan lenders exceeds the maximum number permitted.

(e) *Exception.* This section shall not apply to any check-cashing business, short-term loan lender, small loan lender or mortgage loan lender as defined above currently in operation prior to passage of this section.

Section 2. That existing Section 347.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 944-08, passed October 13, 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 Finance, Law; Committees on Legislation, Finance.

Ord. No. 671-12.

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

An emergency ordinance to amend the second whereas clause and Section 3 of Ordinance No. 74-12, passed April 9, 2012, relating to granting an easement to the Greater Cleveland Regional Transit Authority on por-

tions of Market Square Park adjoining both West 25th Street and Lorain Avenue.

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 second whereas clause and Section 3 of Ordinance No. 74-12, passed April 9, 2012, are amended to read as follows:

Whereas, RTA requires the easement to install and maintain real-time predicted bus arrival signs and to maintain shelters and electrical conduits; and

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to install and maintain real-time predicted bus arrival signs and to maintain shelters and electrical conduits.

Section 2. That the existing second whereas clause and Section 3 of Ordinance No. 74-12, passed April 9, 2012, are repealed.

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

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

Ord. No. 672-12.

By Council Members Cimperman, Brancatelli and Zonc.

An emergency ordinance to amend Sections 431.03, 431.08, 431.10, and 451.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976, Section 451.03, as enacted by Ordinance No. 2468-83, passed June 11, 1984, and Section 403.99, as amended by Ordinance No. 486-04, passed October 11, 2004, relating to bicycle transportation safety and penalties; to repeal codified ordinance Sections 473.11, Licensing Bicycles; Fee and Transfer and 473.12, Licensing Agents, as enacted by Ordinance No. 2393-02, passed February 3, 2003.

Whereas, Cleveland City Council promotes bicycling as a healthy, sustainable and inexpensive form of transportation and recreation; and

Whereas, the number of people commuting to work by bicycle in Cleveland has increased from 0.2% in 2000 to 0.8% in 2010, the largest increase of all American cities according to the most recent American Community Survey results;

Whereas, numerous bicycle-related businesses have opened recently in the City of Cleveland, including a commuter bike parking station, The Bike Rack, and this past September cyclists and civic leaders created Bike Cleveland, a unified bicycle advocacy organization serving greater Cleveland; and

Whereas, in January 2012, a city-wide Complete and Green Streets ordinance passed by Cleveland City Council took effect that provides consideration of elements, including new infrastructure for cyclists on Cleveland's roadways, in all construction projects in the right-of-way; and

Whereas, while interest in bicycling is growing in Cleveland, there are still barriers that prevent people from biking safely in the city; there were 5.7 bicycle fatalities per 10,000 daily cyclists in Cleveland when averaging the data between 2007-2009, according to the Alliance for Biking and Walking's most recent Benchmarking Report; and

Whereas, the changes to traffic laws made by this ordinance will encourage drivers and bicyclists to share Cleveland roadways in a safe and efficient manner; 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 Sections 431.03, 431.08, 431.10, and 451.07 of the Codified Ordinances of Cleveland, Ohio 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976, Section 451.03, as enacted by Ordinance No. 2468-83, passed June 11, 1984, and Section 403.99, as amended by Ordinance No. 486-04, passed October 11, 2004, are amended as follows:

Section 431.03 Overtaking, Passing to Left; Driver's Duties

The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(a) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (c) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and he or she shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(c) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 431.31, a limited access highway as defined in RC 5511.02 or a highway with four (4) or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(d) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall leave a safe distance, but not less than three (3) feet, when passing the bicycle and shall maintain that distance, and shall not increase the speed of his or her vehicle, until safely past the overtaken bicycle. The same requirements apply to the operator of a commercial motor vehicle, commercial truck, or commercial unit, except that the safe distance shall not be less than six (6) feet.

(e) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall vacate the lane in which the bicycle user is located if the roadway has two or more marked lanes running in the same direction.

Section 431.08 Driving in Marked Lanes or Continuous Lines of Traffic

Whenever any roadway has been divided into two (2) or more clearly

marked lanes for traffic or wherever traffic is lawfully moving in two (2) or more substantially continuous lines in the same direction, the following rules apply;

(a) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes and provides for two (2) way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.

(c) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.

(d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(e) Except for the operator of a bus entering or exiting an authorized bus stop, the driver of a motor vehicle shall not drive, unless entering or exiting a legal parking space or driveway, upon any on-street path, lane, trail or multi-purpose lane designated by official signs or markings for the exclusive use of bicycles or other non-motorized transportation or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path, lane, trail, or multi-purpose lane.

Section 431.10 Turning at Intersections

The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(a) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after

entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(d) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(e) The operator of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle or bicycle approaching from the opposite direction.

(f) When a motor vehicle and a bicycle are traveling in the same direction on any roadway, the operator of the motor vehicle overtaking such bicycle traveling on the right side of the roadway shall not turn to the right in front of the bicycle at that intersection or at any alley or driveway until such vehicle has overtaken and is safely clear of the bicycle or shall wait to make the right turn until the bicycle has safely passed the motor vehicle.

Section 451.03 Statutory Prohibited Standing or Parking Places

No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

(a) On a sidewalk, except a bicycle;

(b) In front of a public or private driveway or within two and one-half (2-1/2) feet (thirty (30) inches);

(c) Within an intersection;

(d) Within ten (10) feet of a fire hydrant;

(e) On a crosswalk;

(f) Within twenty (20) feet of a crosswalk at an intersection or within twenty (20) feet of a crosswalk located within the block where a school is located during regular school hours;

(g) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;

(h) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;

(i) Within fifty (50) feet of the nearest rail of a railroad crossing;

(j) Within twenty (20) feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance when it is properly posted with signs;

(k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(l) Alongside any vehicle stopped or parked at the edge or curb of a street;

(m) Upon any bridge or other elevated structure upon a street, or within a street tunnel;

(n) At any place where signs prohibit stopping, standing or parking,

or at any place in excess of the maximum time limited by signs;

(o) Within one (1) foot of another parked vehicle;

(p) On the roadway portion of a freeway, expressway, thruway or controlled-access highway.

(q) On any on-street path, lane, trail, or multi-purpose lane designated by official signs or markings for the exclusive use of bicycles or other non-motorized modes of transportation.

Section 451.07 Opening Vehicle Door on Traffic Side

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, including bicyclists, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Section 403.99 Traffic Code Misdemeanor Classifications and Penalties

(a) *Misdemeanor Classifications.*

(1) *General Classification.* Whoever violates any provision of this Traffic Code or any regulation lawfully adopted pursuant thereto, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one (1) year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one (1) year after the first offense such person is guilty of a misdemeanor of the third degree. (RC 4511.99). When any person is found guilty of a first offense for violation of Section 433.03, upon a finding that he or she operated a motor vehicle in excess of the posted speed limit by ten (10) miles an hour or more, such person is guilty of a misdemeanor of the fourth degree. When any person is found guilty of a violation of division (b) (9) of Section 433.03, in addition to all other penalties provided by law, such person shall be fined two (2) times the usual amount imposed for the violation.

(2) *Street Racing.* Whoever violates Section 433.07 is guilty of a misdemeanor of the first degree.

(3) *Licensing Drivers.* Whoever violates any provision of Sections 435.01 to 435.07, inclusive, is guilty of a misdemeanor of the first degree.

(4) *Accidents.* Whoever violates any provision of Sections 435.15 to 435.17, inclusive, is guilty of a misdemeanor of the first degree.

(5) *Willfully Fleeing a Police Officer.* Whoever violates division (b) of Section 403.02 is guilty of a misdemeanor of the first degree.

(6) *Stopping for School Buses.* Whoever violates division (a) of Section 431.38 may be fined not more than five hundred dollars (\$500.00).

(7) *Placing Dangerous Material on Streets.* Whoever violates division (e) of Section 411.01 is guilty of a misdemeanor of the first degree.

(8) Bicycle Safety Violations. Whoever violates divisions (d) and (e) of Section 431.03, division (e) of 431.08, divisions (e) and (f) of Section 431.10, division (q) of Section 451.03, and Section 451.07 against a bicyclist is guilty of a minor misdemeanor on a first offense; on each subsequent offense within one year of the first offense

such person is guilty of a misdemeanor of the fourth degree; if such a violation causes a collision between a motor vehicle and a bicycle, such person is guilty of a misdemeanor of the third degree.

(b) *Penalties.* Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor (RC 2929.21)	None	150.00

(c) *License Suspension.*
 (1) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for not less than thirty (30) days nor more than three (3) years or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to any of the following:

A. Division (a) of Section 431.38;
 B. Sections 435.01 to 435.07, inclusive;

The trial judge, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence of not to exceed six (6) months, if that imprisonment was not imposed for the offense for which the person was convicted.

(2) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to a violation of division (b) of Section 433.01. The length of the suspension or revocation imposed by the trial judge upon a person who is convicted or pleads guilty to a violation of division (b) of Section 433.01 shall be the same as that imposed pursuant to division (B) of RC 4507.16 upon a person who is convicted of or pleads guilty to a violation of RC 4511.19, or a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(3) The trial judge of the Cleveland Municipal Court may, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than fifteen (15) days who is convicted of or pleads guilty to a violation of operating a motor vehicle faster than five

(5) miles per hour in excess of the prima-facie speed limits specified in Section 433.03 relating to passing a school building or grounds or operating a motor vehicle in a residential district. For any subsequent conviction of any such provision, the trial judge shall, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than thirty (30) days who is convicted of or pleads guilty to any offense specified in this division. The first five (5) days may not be suspended by the Court.

Section 2. That existing Sections 431.03, 431.08, 431.10, and 451.07 of the Codified Ordinances of Cleveland, Ohio 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976, Section 451.03, as enacted by Ordinance No. 2468-83, passed June 11, 1984, and Section 403.99, as amended by Ordinance No. 486-04, passed October 11, 2004, are repealed.

Section 3. That existing Sections of the Codified Ordinances of Cleveland, Ohio 1976, 473.11, Licensing Bicycles; Fee and Transfer, and 473.12, Licensing Agents, as enacted by Ordinance No. 2393-02, passed February 3, 2003, are hereby repealed.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 668-12.

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

An emergency ordinance authorizing the Judge or other authorized officer of the Cleveland Municipal Court, Division of Housing Court, to enter into a collective bargaining agreement with the American Federation of State, County and Municipal Employees; and to amend Section 51 of Ordinance No. 1689-11, passed November 28, 2011, relating to compensation for various classifications.

Whereas, this Council finds it reasonable to amend Section 51 of Ordinance No. 1689-11, passed November 28, 2011, to include salary changes made which are not part of the collective bargaining agreement between the Cleveland Municipal Court Housing Division and the American Federation of State, County and Municipal Employees in order to show current salary bands for the Housing Court; 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 Judge or other authorized officer of the Cleveland Municipal Court, Division of Housing Court, is authorized to enter into a collective bargaining agreement with the American Federation of State, County and Municipal Employees to provide employment terms for the uniformed deputy bailiffs of the Housing Court as set forth in File No. 668-12-A.

Section 2. That Section 51 of Ordinance No. 1689-11, passed November 28, 2011, is amended to read as follows:

Section 51. Housing Court Employees

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

	Minimum	Maximum
1. Chief Housing Court Specialist.....	\$52,158.83	\$86,233.74
2. Housing Court Administrative Assistant.....	23,063.94	54,990.00
3. Housing Court Administrator.....	64,815.84	96,917.89
4. Housing Court ADR Specialist.....	42,178.00	84,012.07
5. Housing Court Chief Bailiff.....	38,884.00	88,026.00
6. Housing Court Chief Magistrate.....	71,667.00	116,982.00
7. Housing Court Coordinator.....	23,064.00	52,418.10

8.	Housing Court Court Reporter.....	23,715.99	58,166.16
9.	Housing Court Deputy Bailiff.....	22,173.84	54,367.68
10.	Housing Court Deputy Bailiff - Uniformed.....	22,173.84	54,367.68
11.	Housing Court Deputy Bailiff Supervisor.....	42,815.88	69,786.54
12.	Housing Court Deputy Bailiff/Finance Officer.....	38,544.06	70,048.00
13.	Housing Court Deputy Bailiff/Judicial Clerk.....	21,993.75	50,839.15
14.	Housing Court Deputy Bailiff/Staff Attorney.....	29,585.00	69,902.23
15.	Housing Court Magistrate.....	42,178.32	91,529.00
16.	Housing Court Magistrates' Personal Bailiff.....	23,063.94	51,104.81
17.	Housing Court Personal Bailiff.....	63,969.00	88,389.00
18.	Housing Court Project Coordinator.....	31,050.00	67,369.91
19.	Housing Court Receptionist.....	23,064.00	35,083.94
20.	Housing Court Scheduler.....	23,063.94	51,104.81
21.	Housing Court Secretary.....	20,815.92	38,151.00
22.	Housing Court Specialist.....	29,585.48	64,473.00
23.	Housing Court Specialist - Mediation Coordinator.....	29,585.48	58,781.03
24.	Housing Court Student Aide.....	10.30	10.30

Section 3. That existing Section 51 of Ordinance No. 1689-11, passed November 28, 2011, is repealed.

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

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

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

Ord. No. 675-12.

By Council Members Mitchell, Conwell, J. Johnson, Cimperman, Cummins, Zone, Westbrook and Sweeney.

An emergency ordinance consenting and approving the issuance of a permit for the Rite Aid Cleveland Marathon, May 20, 2012, sponsored by Cleveland Marathon, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the RiteAid Cleveland Marathon sponsored by Cleveland Marathon, Inc. on May 20, 2012, with the Marathon and Half Marathon Course Turns starting at W. 3rd Street corner of Browns Stadium; Straight/South on W. 3rd to Lakeside; right on Lakeside towards on-ramp for Shoreway; Enter Shoreway, following west-bound highway; straight on Shoreway to Edgewater exit to Edgewater Dr.; Straight on Edgewater to W. 110th; left on W. 110th to Lake; left on Lake to W. 85th; right on W. 85 to Detroit; left on Detroit to W. 38th; Right on W. 38th to Lorain; left on Lorain to W.25th; right on W. 25th to Barber; left on Barber to Scranton; left on Scranton to Starkweather; right on Starkweather to W. 11th; left on W. 11th to Kenilworth; left on Kenilworth (becomes Willey to Scranton; straight on Willey to Columbus; right on Columbus to Abbey; left on Abbey to Gehring; right on Gehring to Lorain; right on Lorain/Carnegie to Ontario; left on Ontario to W. Huron; soft left on W. Huron to W. 9th; soft right on W. 9th to St. Clair; Change course here for Half Marathon; continue on St. Clair to E. 9th; left on E. 9th to Erieside; left on Erieside; finish Erieside in front of Great Lakes Science Center and Browns Stadium; Resume course here for Marathon; right on St. Clair to W. 6th; right on W. 6th to Superior; left on Superior to E. 12th; right on E. 12th to Euclid; left on

Euclid to E. 55; left on E. 55th to Chester; right on Chester to MLK Drive; left on MLK to circle; continue north on MLK to bike path north of Gordon Park; left onto bike path to N. Marginal; left on N. Marginal to E. 55th; straight on E. 55th to St. Clair; right on St. Clair to E. 47th; left on E. 47th to Commerce; right on Commerce E. 40th; Right on E. 40th to Hamilton; left on Hamilton to E. 26th; left on E. 26 to St. Clair; right on St. Clair to E. 9th; right on E. 9th to Erieside; left on Erieside; Finish: Erieside in front of Great Lakes Science Center and Browns Stadium; 10K Course Turns starting at W. 3rd at northwest corner of Browns Stadium; straight on W. 3rd to Lakeside; right on Lakeside to W. 6th; left on W. 6th to Superior; left on Superior to E. 13th; right on E. 13th to Chester; left on Chester to E. 40th; left on E. 40th to St. Clair; left on St. Clair to E. 24th; left on E. 24 to Payne; right on Payne to E. 21st; right on E. 21st to St. Clair; left on St. Clair to E. 9th; right on E. 9th to Erieside; left on Erieside to finish: Erieside in front of Great Lakes Science Center and Browns Stadium; 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 669-12.

By Mayor Jackson and Council Members Cimperman and Zone.

An emergency resolution supporting the "Cleveland 2030 District" and its efforts to significantly reduce the energy consumption of new and existing buildings in the Downtown Building District and throughout Greater Cleveland Supporting "The Better Buildings Challenge" and its voluntary leadership initiative that asks local leaders to make a public commitment to energy efficiency.

Whereas, the City of Cleveland supports the "Cleveland 2030 District" and the "The Better Buildings Challenge"; and

Whereas, the "Cleveland 2030 District" endeavors to significantly reduce the energy consumption of new and existing buildings in the Downtown Building District and throughout Greater Cleveland; and

Whereas, the "Cleveland 2030 District" was formed by professionals who connected at the Sustainable Cleveland 2019 Summit and their work is aligned with the vision of building an economic engine to empower a green city on a blue lake; and

Whereas, Cleveland 2030 District was established to create a coalition of building owners, service professionals and community stakeholders working together to rapidly transform the built environment of the city through large-scale reductions in the energy use, water use and greenhouse gas emissions of buildings as well as reductions in CO emissions from commuter transportation; and

Whereas, it is the goal of the City of Cleveland and the Cleveland 2030 District to create high-performance building districts throughout Greater Cleveland with the goal of dramatically reducing the environ-

mental impacts of building construction and operations while increasing Cleveland's competitiveness in the business environment and building owners' return on investment; and

Whereas, the development of realistic, measurable, and innovative strategies is crucial to assisting property owners, managers, and tenants in meeting aggressive goals that reduce environmental impacts of facility construction and operations; and

Whereas, the "Cleveland 2030 District" should serve as an example of a private sector driven effort that maximizes profitability and prosperity for all involved; and

Whereas, the "Cleveland 2030 District" lays out specific goals for reductions in energy consumption, water consumption, and greenhouse gas emissions in new and existing buildings; and

Whereas, through the United States Department of Energy, "The Better Buildings Challenge" supports building owners by providing technical assistance and proven solutions to energy efficiency; and

Whereas, "The Better Buildings Challenge" is a voluntary leadership initiative that asks local leaders to make a public commitment to energy efficiency; and

Whereas, through "The Better Buildings Challenge", the U.S. Department of Energy highlights leaders that have committed to upgrading buildings across their portfolio, and to providing their energy savings data and strategies as models for others to follow;

Whereas, the impacts of climate change represent one of the most dangerous threats to humanity, and that local governments are on the front lines of addressing these issues; 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 this Council and the Mayor are in support of joining a coalition of building owners, service professionals, and community stakeholders working together to rapidly transform the built environment of Cleveland through large-scale reductions in the energy use, water use and greenhouse gas emissions of buildings, as well as reductions in emissions from commuter transportation.

Section 2. That this Council and the Mayor agree to support the District performance goals as a Founding Member through the following actions:

1) Sharing with the Cleveland 2030 District Leadership Committee: Building energy use, water use, and Transportation Management Plan (TMP) data; Best practices and lessons learned for case studies; and Challenges in further improvements.

2) Participation in the following programs: ENERGY STAR Portfolio Manager; U.S. Green Building Council's Building Performance Partnership; and use of the Cleveland 2030 District/BOMA CCI Assessment tools.

3) Support for the Cleveland 2030 District Committee by participating in District decision-making, evaluating membership criteria for property

owners and stakeholders, and mentoring.

Section 3. That this Council and the Mayor urges large building owners and other key stakeholders in downtown Cleveland to join the "Cleveland 2030 District".

Section 4. That this Council and the Mayor supports "The Better Buildings Challenge" and commits to:

1) Publicly pledge a portfolio-wide energy savings goal and develop an organization-wide plan, schedule and milestones.

2) Announce and initiate energy saving projects within 9 months.

3) Share energy consumption data to measure progress against the goal, and share information about the energy efficiency implementation tools, technologies, and processes.

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

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

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

Res. No. 673-12.

By Council Members Brancatelli, Cimperman and Zone.

An emergency resolution declaring the month of May "Cleveland Bicycle Month" and May 18, 2012 "Bike to Work Day."

Whereas, millions of Americans across the country engage in bicycling because it is an environmentally-sound form of transportation and a great way to experience our city; and

Whereas, Bike Cleveland and grassroots organizations throughout our city are promoting greater public awareness of the bicycle as a viable, fun tool for transportation and recreation; and

Whereas, greater public awareness of bicycles in our city will improve the safety of all Cleveland residents; and

Whereas, cycling in Cleveland has grown over 280% in the past 10 years; and

Whereas, over 50 events are scheduled in May across Greater Cleveland to encourage more people to bike more often; and

Whereas, biking is a healthy activity both for individuals and for creating vibrant healthy communities; and

Whereas, the City of Cleveland is invested in seeing more people bike to work, as made apparent by the opening of the Cleveland Bike Rack, the downtown bike commuter parking station; and

Whereas, Bicycle Month takes place during the month of May, in conjunction with National Bike Month, when over 50 community rides, activities and bike discussions are planned across the region to get people talking about or riding bikes; and

Whereas, among the planned events for Bicycle Month are the Cleveland Metroparks Wild Ride at the Zoo on May 12th, Ride of Silence

on May 16th, and Old Brooklyn Pedal for Prizes on May 19th; and

Whereas, a key piece to Cleveland Bicycle Month is Bike to Work Day, on May 18th, when there will be a flurry of activities sponsored by Bike Cleveland, Crank-set Rides, Phoenix Coffee, NOACA, Heights Bicycle Coalition and the Bike Rack; and

Whereas, on May 18th, Crank-Set Rides and the Heights Bicycle Coalition are partnering with Phoenix Coffee to staff Coffee Stations at both ends of the Detroit-Superior and Lorain-Carnegie Bridges in Cleveland, and at Edgehill and Overlook in Cleveland Heights, offering bike commuters a free cup of Phoenix Coffee & stickers for a boost of energy as they make their way to the Bike Rack for the Bike to Work Day Celebration; and

Whereas, the Bike to Work Day Celebration will take place at the Bike Rack, 2148 E. 4th Street, from 6:30 a.m. to 9:30 a.m. with pastries, Phoenix Coffee, bike adjustments, bike shops and resources, charity ride organizers, a yoga class, and massages all available to bike commuters; and

Whereas, RTA will be providing free rides all day on May 18th for cyclists who may need assistance getting to or from work; and

Whereas, "Biking in Cleveland is growing as seen by the number of biking activities taking place during and beyond Cleveland Bicycle Month," said Jacob VanSickle, executive director of Bike Cleveland; "It is going to be an exciting summer for biking in Cleveland, and Cleveland Bicycle Month is a great way to get everything started."; 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. This Council declares the month of May "Cleveland Bicycle Month" and May 18, 2012 "Bike to Work Day."

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Jacob VanSickle, Executive Director, Bike Cleveland.

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

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

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

Res. No. 674-12.

By Council Members Miller and Dow.

An emergency resolution urging the Mayor to establish a Tire Commission for the City of Cleveland.

Whereas, despite the city's best efforts, and the laws on the books, illegal tire dumping happens all over the city and threatens the health, safety and welfare of our citizens; and

Whereas, city administrators are finding it increasingly difficult to prevent dumping tires and apprehending the perpetrators; and

Whereas, the situation could be facilitated by establishing a commission of experts to address the illegal tire dumping issue; 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 urges the Mayor to establish a Tire Commission for the City of Cleveland.

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

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

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

Res. No. 676-12.

By Council Member Keane.

An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 4142 Rocky River Drive.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1, C2 and D6 Liquor Permit from Rocky River Supermarket, LLC, 4142 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 7361046 to Rocky River Gas Station, LLC, 4142 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 7460895; 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 provid-

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit from Rocky River Supermarket, LLC, 4142 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 7361046 to Rocky River Gas Station, LLC, 4142 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 7460895; 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1107-11.

By Council Member Mitchell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2776 and 2779 East 118th Street to Cleveland Housing Network or its designee.

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

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

Ord. No. 1108-11.

By Council Member Mitchell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2791 East 118th Street to Cleveland Housing Network or its designee.

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

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

Ord. No. 389-12.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to host, administer, and manage the Oracle Customer Care and Billing System, including support, maintenance, monitoring, upgrades, enhancements, and related services, for a period of three years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Ord. No. 449-12.

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

An emergency ordinance authorizing the Director of Public Works to enter into an agreement to obtain an option to acquire properties from the North Cuyahoga Valley, Inc. dba Ohio Canal Corridor located along 0.6 miles along Scranton Road from Carter Road south to University Road for the Towpath Trail; upon execution of the Agreement, to enter into a multi-party agreement to apply for and accept a grant from the State of Ohio Cultural Facilities Commission for the Towpath Trail; and exercise the option to acquire the properties upon the completion of the improvements to the property.

Approved by Directors of Public Works, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Parks, Properties, and Recreation, Finance, when amended, as follows:

1. In Section 4, at the end, after "Towpath Trail," insert "Under that agreement, if construction of the Towpath Trail does not go forward or is not maintained as proposed in the agreement during a fifteen year period, the parties agree to return the grant funds to the OCF, each sharing equally in that obligation. The City's portion of that obligation, in an amount no greater than \$125,000, shall be paid from Fund No. 20 SF 522, RQS 0103, RI 2012-91, and shall be deposited in a fund designated by the Director of Finance as a contingency in the event that there is a need to pay back grant funds."

Amendment agreed to.

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

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

Ord. No. 450-12.

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

An emergency ordinance authorizing the Director of Public Works to make alterations and modifications in Contract No. CT 4002 PI 2011-61 with Envirocom Construction, Inc. for the installation of carpeting in corridors and meeting rooms in Cleveland Public Auditorium.

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

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

Ord. No. 452-12.

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

An emergency ordinance authorizing the purchase by one or more contracts of up to three pickup trucks, for the Division of Park Maintenance and Properties, Department of Public Works.

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

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

Ord. No. 497-12.

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

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from Cuyahoga Arts and Culture for the 2012 Mural My Neighborhood Program.

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

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

Ord. No. 498-12.

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

An emergency ordinance authorizing the Director of Public Safety to accept one or more gifts of cash, surveillance cameras, appurtenant components, and services or any combination thereof, from the Cleveland Downtown Alliance, Tremont West Development Corporation, the Ohio Department of Transportation, and other various agencies and entities, to be placed in various locations of the downtown region within the existing Cleveland Shared Security Surveillance Network in 2012 and 2013.

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

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

Ord. No. 499-12.

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

An emergency ordinance authorizing the Chief of Police, with concurrence of the Director of Public Safety, to enter into an agreement with The MetroHealth System to set forth standards and criteria governing interaction and cooperation between the officers of the hospital and those of the Cleveland Division of Police.

Approved by Directors of Public Safety, Finance, Law; Passage recom-

mended by Committees on Public Safety, Finance.

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

Ord. No. 566-12.

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

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

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

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

Ord. No. 567-12.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up Program.

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

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

Ord. No. 569-12.

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

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

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

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

Ord. No. 572-12.

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

An emergency ordinance appropriating Community Development Block Grant funds for administrative

expenses of the Code Enforcement Program.

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

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

MOTION

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

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, May 7, 2012 at 6:00 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

May 2, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 2, 2012 at 10:48 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson.

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

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 175-12.

By Director Dumas and Cox.

Whereas, under authority of Ordinance No. 263-12, passed by the Council of the City of Cleveland on March 26, 2012, the Board of Control adopted Resolution No. 158-12 on April 25, 2012, authorizing the Director of Public Works and the Director of Finance to enter into a written contract or contracts with Snider Blake Business Service, Inc. ("Agency") based on its January 27, 2012 proposal, to supply temporary

and seasonal personnel for seasonal programs for the Director of Public Works and the Director of Finance during the 12-month period beginning upon execution of the contract; and

Whereas, Resolution No. 158-12 established the fees to provide Public Works' temporary and seasonal personnel for the Director of Public Works but omitted the fees for temporary and seasonal personnel for the Director of Finance; and

Whereas, the exact positions of all temporary and seasonal personnel required by the Director of Finance over the course of the authorized contract cannot be precisely determined in advance, will have various titles and will require various duties, now, therefore,

Be it resolved that Board of Control Resolution No. 158-12, adopted on April 25, 2012, is amended to include the fees for temporary and seasonal personnel for the Director of Finance by inserting the following after the statement of positions supplied and fees for Public Works temporary and seasonal personnel:

The fee for each position for all temporary and seasonal personnel required for the Director of Finance over the course of the contract shall be determined for each position individually by applying an amount equal to 123.6% of the wage determined for that occupation by the Bureau of Wage Statistics' current published Metropolitan and Non-metropolitan Area Occupational Employment and Wage Estimates for Cleveland-Elyria-Mentor OH, but in no event shall be less than an amount equal to 123.6% of the Fair Wage determined under Section 189.02 of the Codified Ordinances of Cleveland, Ohio, 1976.

Be it further resolved that all other provisions of Resolution No. 158-12 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.
Absent: Mayor Jackson.

Resolution No. 176-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, valves, service connections and appurtenances-Area A, including concrete repair, and tree lawn restoration, all items, for the Division of Water, Department of Public Utilities, for a period of fourteen months starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on January 20, 2012 under the authority of Ordinance No. 361-11, passed May 9, 2011, which on the basis of the estimated quantity would amount to \$4,071,612.83 (0%), 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 \$204,000.00.

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 subcontractors by Terrace Construction Company, Inc. for the above-mentioned service is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Rockport Construction & Materials, Inc. (FBE/CSB)	\$227,600.00 5.590%
The Vallejo Company (CSB/MBE/LPE)	\$587,400.00 14.427%

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

Nays: None.
Absent: Mayor Jackson.

Resolution No. 177-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 529-11, passed by the Council of the City of Cleveland on June 6, 2011, Rahim Inc. dba RNR Consulting is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement the regularly employed staff of the Public Utilities Department of the City of Cleveland to provide professional services necessary to develop a five-year business strategy plan for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Rahim Inc. dba RNR Consulting, based on its proposal dated October 7, 2011, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for a fee of \$357,660.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Rahim Inc. dba RNR Consulting for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Hatha Communications LLC(CSB/FBE/LPE)	\$31,000.00 8.67%
Collaborative Learning Inc.	\$30,400.00 8.50%

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

Nays: None.
Absent: Mayor Jackson.

Resolution No. 178-12.

By Director Cox.

Whereas, the City of Cleveland owns certain real property commonly known as the Willard Parking Garage under the supervision and control of the Director of Public Works; and

Whereas, MVP Services, LLC has offered to perform valet parking services for the general public for the Heart Throb Ball at Cleveland Public Auditorium using the Willard Parking Garage; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement with MVP Services, LLC to operate a valet parking service for the Heart Throb Ball at Cleveland Public Auditorium on May 4, 2012 using Willard Parking Garage for a concession fee of \$450.00 plus \$5.00 per vehicle. The concession agreement shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

Nays: None.
Absent: Mayor Jackson.

Resolution No. 179-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 007-06-041 located at 2304 West 40th Street in Ward 15; and

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

Whereas, Bethany L. Hilt has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and

Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Bethany L. Hilt for the sale and development of Permanent Parcel No. 007-06-041 located at 2304 West 40th Street, Cleveland, OH. 44113 according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 180-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 133-25-009 located at 9220 Cambridge Avenue in Ward 5; and

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

Whereas, Gregory Gamble has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Gregory Gamble for the sale and development of Permanent Parcel No. 133-25-009 located at 9220 Cambridge Avenue, Cleveland, OH. 44105, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Souther-

ington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 181-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 006-05-116 located at 7314 Guthrie Avenue in Ward 15; and

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

Whereas, Jose S. Perez has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Jose S. Perez for the sale and development of Permanent Parcel No. 006-05-116 located at 7314 Guthrie Avenue, Cleveland, OH. 44109, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 182-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 006-20-106, 006-20-107, 006-20-128, 006-20-129 and 006-20-132 located on West 47th and West 48th Street, in Ward 15; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commis-

sioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, P M Foundation, Inc. has proposed to the City to purchase and develop the parcels for Garden; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with P M Foundation, Inc. for the sale and development of Permanent Parcel Nos. 006-20-106, 006-20-107, 006-20-128, 006-20-129 and 006-20-132 located on West 47th and West 48th Street, Cleveland, Ohio 44102 according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$5,000.00, which amount is determined to be not less than the Fair Market value of the parcels for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 183-12.

By Director Southerington.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinances Nos. 1485-11 and 1518-11 passed by Cleveland City Council on November 21, 2011, Medical Mutual of Ohio, Kaiser Foundation Health Plan of Ohio, Cigna Dental Health of Ohio, Inc. and Health Action Council/CVS Caremark are selected from a list of firms determined after a full and complete canvass by the Director of Human Resources as the firms to be employed by separate contracts to supplement the regularly employed staff of the Department of Human Resources to perform the professional services necessary to provide group medical insurance, prescription and dental insurance coverage.

Be it further resolved that the Director of Human Resources is authorized to enter into contract with Medical Mutual of Ohio, Kaiser Foundation Health Plan of Ohio, Cigna Dental Health of Ohio, Inc. and Health Action Council/CVS Caremark, based on their proposals listed below, whose contracts shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for aggregate fees of \$52,208,583.84, \$14,977,207.68, \$4,494,558.84, and \$121,252.95, respec-

tively, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

1. Medical Mutual of Ohio, based on its proposal dated October 31, 2011, for an estimated amount of \$52,208,583.84.

2. Kaiser Foundation Health Plan of Ohio, based on its proposal dated October 31, 2011 for an estimated amount of \$14,977,207.68.

3. Cigna Dental Health of Ohio, Inc., based on its proposal dated October 27, 2011, for an estimated amount of \$4,494,558.84.

4. Health Action Council/CVS Caremark, based on its proposal dated October 24, 2011, for an estimated amount of \$121,252.95.

Be it further resolved that the employment of the following subcontractor by Medical Mutual of Ohio for the above-mentioned agreement is approved:

Washington Enterprises (CSB/MBE)
\$67,994.00 — .130%

Be it further resolved that the employment of the following subcontractor by Cigna Dental Health of Ohio, Inc. for the above-mentioned agreement is approved:

Washington Enterprises (CSB/MBE)
\$62,000.00 — 1.379%

Be it further resolved that the employment of the following subcontractor by Health Action Council/CVS Caremark for the above-mentioned agreement is approved:

Genie Repros, Inc. (CSB)
\$14,100.00 — 11.629%

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

Nays: None.
Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 21, 2012

9:30 A.M.

Calendar No. 12-69: 10606 Reno Avenue (Ward 2)

Union Miles Homes Ltd., owner, and Ivy Willis, tenant, appeal to establish a Type A day care in a single family dwelling on a 40' x 130' parcel in a B1 Two-Family District, subject to the limitations under Section 337.03 and by reference to Section 337.02(f)(3)C a Type A day care use shall not be located less than 30 feet of a residential district and is subject to review and approval of the Board of Zoning Appeals to determine, after public notice and hearing, whether adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board such building and use are appropriately located and designed and will meet a community need without adversely affecting the neighborhood.

Calendar No. 12-71: 18921 Fairville Avenue (Ward 19)

Jeremy and Aubrey Hostetler, owners, appeal for variances from the Fence Regulations in the Cleveland Zoning Code to erect an in-ground swimming pool and an 8' x 12' pool shed on an irregular shaped corner parcel located in an A1 One-Family District; contrary to Section 358.03(a) a 6 feet high solid wooden fence is proposed where fence located parallel to a driveway within 15 feet of its intersection with a public sidewalk or public street may not exceed a height of two and one-half feet unless it is 75 percent open; and 6 feet high solid wooden fence is proposed in the side street yard, contrary to Section 358.04(a).

Calendar No. 12-72: 2884 Scranton Road (Ward 14)

Ramon Torres, owner, appeals to establish use as a motor vehicle minor repair garage on an approximate 122' x 71' corner lot in a C1 Multi-Family district; subject to the limitations under Section 337.08 the proposed use is not permitted and first permitted in a General Retail Business District in accordance with the provisions in Section 343.14 that require a distance of 100 feet from a residence district unless a solid board on board wood fence or stone wall at least 6 feet high is along any property line abutting a residence district in addition to any other wise required landscaping and no motor vehicle repair activity may occur within 10 feet of a residence district; a 10 feet wide landscaping/transition strip is required where the lots abuts a Two-Family District and a minimum 6 feet wide frontage landscaping strip is

required along street frontages in accordance with Sections 352.08-11 in the Cleveland Codified Ordinances.

Calendar No. 12-74: 6309 Central Avenue (Ward 5)

KFH Realty LLC and Henderson Fabricating appeal to construct a parking lot proposed to be on consolidated parcels located in C1 Local Retail Business and C1 Multi-Family Districts; subject to the provisions under Section 359.01 in the Cleveland Codified Ordinances, the substitution, enlargement or other change of nonconforming use requires the Board of Zoning Appeals approval; and under Section 349.15 one bicycle parking space/locker is required to be located at least as close to the entrance of the building as the nearest non-handicap automobile parking space; and no landscaping is proposed contrary to Section 352.08-11 and the requirement for a minimum 6 feet wide frontage landscaping strip along Central Avenue.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 7, 2012

At the meeting of the Board of Zoning Appeals on Monday, May 7, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-68: 13626 Beachwood Avenue

Georgia Clark appealed to erect a pre-manufactured wheelchair lift in the front yard of a lot in an A1 One-Family District.

Calendar No. 11-198: 2401 Meyer Avenue

Bamco Investments LLC, owner, and Leo Espinal, tenant, appealed to establish use as auto and machinery indoor storage in an existing building in a C2 Semi-Industry District; subject to conditions.

The following appeal was **WITHDRAWN:**

Calendar No. 12-8: 4979 West 130th Street

Windfall Group USA, owner, and Direct Import Home Décor, tenant appealed to relocate a double faced illuminated pole sign in an A3 General Industry District.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

Calendar No. 12-63: 2906 Fulton Road postponed to 6-11-12.

Calendar No. 12-64: 662 East 140 Street postponed to 6-4-12.

The following appeals heard by the Board on April 30, 2012 were adopted and approved on May 7, 2012.

The following appeals were **APPROVED:**

Calendar No. 12-58: 1020-30 Euclid Avenue

CR Truman, LP, appealed to change use from offices to apartments in an E5 General Retail Business District.

Calendar No. 12-59: 1120 Chester Avenue

Chester/12, Ltd. appealed to change use from offices to apartments in an E5 General Retail Business District.

Calendar No. 12-65: 12402 Britton Drive

Phillip White appealed to erect 40 linear feet of 7 foot high wood, privacy fence in the side front yard of a corner parcel in an A1 One-Family District.

Calendar No. 11-202: 3007 Clinton Avenue

Storer Meat Company appealed to change use from meat processing to storage, warehouse and distribution in a D1 Residence Industry District; subject to conditions.

The following appeal was **DENIED:**

Calendar No. 12-56: 11885 Bellaire Road

Yakup Cukurcavir appealed to establish an open sales lot (used car sales) on consolidated parcels in a C1 Local Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Scaled 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 1200 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."

WEDNESDAY, MAY 30, 2012

File No. 62-12 — Cremation Services for the Indigent Dead, for the Division of Vital Statistics, Department of Public Health, as authorized by Ordinance No. 403-12, passed by the Council of the City of Cleveland, April 23, 2012. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, MAY 18, 2012 AT 10:00 A.M. THE CLEVELAND DEPARTMENT OF PUBLIC HEALTH, 75 ERIEVIEW PLAZA 2ND FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.**

May 9, 2012 and May 16, 2012

FRIDAY, JUNE 1, 2012

File No. 60-12 — Gooding Avenue Sewer Replacement Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 815-11, passed by the Council of the City of Cleveland, July 20, 2011.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, MAY 21, 2012 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

File No. 61-12 — Cab and Chassis W/Dump Bodies and Related Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1602-10 And 943-11, passed by the Council of the City of Cleveland, December 10, 2010 and July 20, 2011, respectively.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, MAY 18, 2012 AT 10:00 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

May 9, 2012 and May 16, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 620-12.

By Council Members Brady, Conwell and J. Johnson.

An emergency resolution urging the United States House of Representatives to pass the Violence Against Women Act to reauthorize over \$650 million dollars in programs to help prevent and respond to domestic and sexual abuse.

Whereas, last week the U.S. Senate overwhelmingly approved the reauthorization of the Violence Against Women Act; and

Whereas, the Senate bill, which was crafted in consultation with law enforcement groups and victims advocates, is now in the U.S. House of Representatives; and

Whereas, reauthorization of this bill would help to prevent domestic violence, of which in Ohio, there were over 38,000 incidents last year; and

Whereas, members of the House should work quickly to pass this most important bill; 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 urges the United States House of Representatives to pass the Violence Against Women Act to reauthorize over \$650 million dollars in programs to help prevent and respond to domestic and sexual abuse.

Section 2. That the Clerk is directed to transmit copies of this resolution to all members of the House of Representatives representing Cuyahoga County.

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

Adopted April 30, 2012.
Effective May 4, 2012.

Res. No. 626-12.**By Council Member Cummins.****An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 2850 West 25th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Krupa Two, Inc., DBA I-90 Citgo Road Mart, 2850 West 25th Street, Cleveland, Ohio 44109, Permanent Number 4895628 to Layan Noor, Inc., DBA Road Mart, 2850 West 25th Street, Cleveland, Ohio 44109, Permanent Number 5068778; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Krupa Two, Inc., DBA I-90 Citgo Road Mart, 2850 West 25th Street, Cleveland, Ohio 44109, Permanent Number 4895628 to Layan Noor, Inc., DBA Road Mart, 2850 West 25th Street, Cleveland, Ohio 44109, Permanent Number 5068778; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted April 30, 2012.

Effective May 4, 2012.

Res. No. 627-12.**By Council Member Kelley.****An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 4475 Pearl Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1, C2 and D6 Liquor Permit from Convenient Food Mart, Inc., DBA Convenient Food Mart #3-098, 4475 Pearl Road, Cleveland, Ohio 44109, Permanent Number 17092740060 to Ghazawi, Inc., DBA Convenient Food Mart #3-098, 4475 Pearl Road, Cleveland, Ohio 44109, Permanent Number 3174612; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit from Convenient Food Mart, Inc., DBA Convenient Food Mart #3-098, 4475 Pearl Road, Cleveland, Ohio 44109, Permanent Number 17092740060 to Ghazawi, Inc., DBA Convenient Food Mart #3-098, 4475 Pearl Road, Cleveland, Ohio 44109, Permanent Number 3174612; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 30, 2012.

Effective May 4, 2012.

Res. No. 628-12.**By Council Member Polensek.****An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 18506 St. Clair Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from D B Ohio Enterprise, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 18795700005 to 18506 St. Clair, Inc., 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 2455386; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2

Liquor Permit from D B Ohio Enterprise, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 18795700005 to 18506 St. Clair, Inc., 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 2455386; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 30, 2012.
Effective May 4, 2012.

Res. No. 629-12.

By Council Member Zone.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 5110 Clark Avenue and Drive Up Window and repealing Resolution No. 992-11, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 5110 Clark Avenue and Drive Up Window by Resolution No. 992-11 adopted by the Council on July 20, 2011; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Clark Petroleum, LLC, 5110 Clark Avenue and Drive Up Window, Cleveland, Ohio 44102, Permanent Number 15255190005 be and the same is hereby withdrawn and Resolution No. 992-11 containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 30, 2012.
Effective May 4, 2012.

Ord. No. 255-12.

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

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with the National Youth Sports Program to provide a youth summer sports, nutrition, health, and life skills development program for 2012.

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 one or more contracts with the National Youth Sports Program for the public purpose of providing for Cleveland Youths a summer sports, nutrition, health, and life skills development program for 2012 at Case Western Reserve University.

Section 2. That the cost of the contract or contracts shall not exceed \$150,000 and shall be paid from Fund Nos. 14 SF 037 and 01-7004-6380, Request No. RQS 7004, RL 2012-32.

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

Passed April 30, 2012.
Effective May 4, 2012.

Ord. No. 495-12.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund:

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Department of Building and Housing – Board-up Division				
Steven Saric	12367	\$1,000.00	Building & Housing	01-800501-672000
Earle B. Turner – Clerk of Courts				
Manack, Marc A.	12379	\$156.00	Clerk of Courts	01-011601-672000
Public Safety Department				
Cole, Crystal L.	12383	\$ 250.00	EMS	01-600402-672000
Maynard, Blair P.	12376	\$ 500.00	Police	01-600202-672000
Mayor's Office of Capital Projects				
Wherry, Bentley D., Jr.	12351	\$ 250.00	Eng. & Constr.	01-010303-672000
Mills, Delynia	12371	115.53	Eng. & Constr.	01-010303-672000
Department of Public Works				
Service Cleaners, Inc.	12372	\$ 500.00	Street Operations	11-4017016-62700
Agosto, Ivelisse	12380	170.00	Street Operations	11-4017016-62700
Faidiga, Thomas J.	12382	313.55	Street Operations	11-4017016-62700
Underwood, Larry B.	12325	\$ 500.00	Vacant Lots	01-701205-672000
Willis, Smith	12370	107.75	Vacant Lots	01-701205-672000

Terrace Construction	12373	365.00	Vacant Lots	01-701205-672000
Conner, Cynthia	12357	\$1,000.00	Urban Forestry	01-701204-672000
Vivolo, James	12365	\$ 15.00	Waste Collection	01-400303-672000
Dailey, Oscar	12366	15.00	Waste Collection	01-400303-672000
Morris, Ronald	12375	45.00	Waste Collection	01-400303-672000
Higgins, Patrick	12377	15.00	Waste Collection	01-400303-672000

Department of Public Utilities

Water:

Messing, Dale and Anita	5395	\$2,000.00	Water	52 SF 001
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Water Pollution Control:

McArthur, James	5394	\$1,018.72	Water Pollution Control 54 SF 001
White, Melvin	5470	\$1,605.87	Water Pollution Control 54 SF 001

Section 2. That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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

Passed April 30, 2012.
Effective May 4, 2012.

Ord. No. 550-12.
By Council Members Kelley and Sweeney (by departmental request).
An ordinance authorizing the amendment and extension of the franchise with Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes.

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

Whereas, under Ordinance No. 2909-87, passed December 21, 1987, this Council granted Cleveland Thermal Energy Corporation, an Ohio Corporation and wholly-owned subsidiary of Catalyst Thermal Energy Corporation ("Catalyst"), a non-exclusive franchise to construct, install, maintain and operate a system for the transmission and supply of steam and hot water in, under, over, along, across and upon certain of the streets, public rights of way and public grounds of the City of Cleveland; and

Whereas, under Ordinance No. 1595-89, passed June 19, 1989, this Council amended the franchise agreement authorized by Ordinance No. 2909-87, passed December 21, 1987, to authorize the supplying of chilled water in addition to steam and hot water; and

Whereas, under Ordinance No. 1490-91, passed July 24, 1991, this Council approved the transfer of Cleveland Thermal Energy Corporation, and control of the franchise, from Catalyst, which was then known as United Thermal Corporation, to Mid-America Energy Resources, Inc., a wholly-owned subsidiary of IPALCO Enterprises, Inc. ("Mid-America"); and

Whereas, under Ordinance No. 2121-00, passed March 12, 2001, this Council authorized the transfer of the franchise from Mid-America to Dominion Cleveland Thermal, LLC,

and its operating affiliates: Dominion Cleveland Thermal Generation, LLC, Dominion Cleveland Thermal Steam Distribution, LLC and Dominion Cleveland Thermal Chilled Water Distribution, LLC (collectively, "Dominion Cleveland Thermal, Inc."); and

Whereas, under Ordinance No. 1519-04, passed October 25, 2004, this Council authorized the transfer, as the result of a stock purchase of Dominion Cleveland Thermal Inc., by CT Acquisitions Inc., an Ohio Corporation, of the non-exclusive franchise of Dominion Cleveland Thermal, LLC and its operating affiliates: Dominion Cleveland Thermal, LLC (now known as Cleveland Thermal, LLC), Dominion Cleveland Thermal Generation, LLC (now known as Cleveland Thermal Generation, LLC), Dominion Cleveland Thermal Steam Distribution, LLC (now known as Cleveland Thermal Steam Distribution, LLC) and Dominion Cleveland Thermal Chilled Water Distribution, LLC (now known as Cleveland Thermal Chilled Water Distribution, LLC) to construct, install, maintain and operate a system for the transmission and supply of steam and hot water in, under, over, along, across and upon certain of the streets, public rights of way and public grounds of the City of Cleveland; and

Whereas, Cleveland Thermal, LLC and its operating affiliates, Cleveland Thermal Generation, LLC, Cleveland Thermal Steam Distribution, LLC and Cleveland Thermal Chilled Water Distribution, LLC (collectively, "Cleveland Thermal"), have requested this Council to approve amendments to and the extension of the franchise in order to (a) provide security to a long-term customer base whose contracts extend beyond the current term of the franchise, (b) support reinvestment by Cleveland Thermal into the system, (c) permit refinancing of outstanding indebtedness of Cleveland Thermal, enabling it to take advantage of favorable market rates and enhance the sustainability of the system and (d) make certain

administrative changes to reflect its internal reorganization and to provide greater flexibility to accomplish the proposed environmental and service enhancements for its facilities; and

Whereas, the Charter of the City of Cleveland and the terms of the franchise agreement allow this Council to authorize by ordinance amendments to and transfer of the franchise; now, therefore,

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

Section 1. That under Chapter 35 of the Charter of the City of Cleveland and Section 1 of the franchise granted by Ordinance No. 1519-04, passed October 25, 2004 (the "Franchise Ordinance"), this Council approves the extension of the franchise agreement to December 31, 2036 (or such earlier date as may be required by law), and the amendments thereto regarding certain administrative matters as set forth therein.

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

Section 1. Grant of Franchise.

Under the Charter of the City of Cleveland ("City"), and subject to the terms and conditions set forth in this franchise, Cleveland Thermal, LLC ("Grantee"), is granted a non-exclusive franchise, until December 31, 2036 (or such earlier date as may be required by law), unless sooner terminated as provide in this franchise, to construct, install, maintain and operate a system for the transmission and distribution of steam and water for heating, cooling and power purposes (the "Steam System") in the area of the City identified in the map contained in File No. 1519-04-A and incorporated by reference and as expanded or extended within the boundaries of the City (the "Service Area") in, under, over, along, across and upon the streets and public grounds

(including, but not limited to, the streets, lanes, alleys, avenues, easements and other public thoroughfares and public rights of way of the City in the Service Area) in that Service Area, with the full and necessary privileges for the use of the streets and public grounds in the Service Area for the purpose of digging a trench or trenches, and constructing, installing, maintaining and operating pipes and conduits for steam and water lines, together with the right to maintain such pipes and conduits, for the purpose of transmitting steam and water for heating, cooling and power purposes ("Steam Service"), and to construct, install and maintain all necessary insulators, valves, safety appliances, connections, manholes and other appurtenances necessary or appropriate to the operation of the Steam System. The Steam System of Grantee extends from and includes the existing and future steam generation and heating or cooling water plants of Grantee and the existing and future transmission and distribution system extending to the property line of each Customer (as such term is defined in Section 5A hereof), except where otherwise defined by agreement between Grantee and a particular Customer; provided, however, that nothing herein shall be construed to require Grantee to maintain existing steam generation and heating or cooling water plants so long as Grantee can provide sufficient capacity, through leases, power purchase agreements or other means, to meet Customers' reasonably anticipated requirements. The grant of this franchise does not establish priority or lack of priority for use of the streets and public grounds to Grantee over other present or future permit holders or franchisees, or over the City's own use. Any extension or expansion of the Steam System shall be subject to all of the obligations and reserved rights in favor of the City set forth in this franchise, and shall be subject to all of the conditions of this franchise. The products and services to be provided or performed by the Grantee hereunder may be provided or performed by the Grantee, acting itself, or through an affiliate of Grantee, and the term "Grantee" includes the Grantee and any affiliate as the context permits. As used herein, an "affiliate" of Grantee means Cleveland Thermal Generation, LLC, Cleveland Thermal Steam Distribution, LLC, Cleveland Thermal Chilled Water Distribution, LLC or any other person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 1A. Payments.

Grantee shall, by January 30 of each calendar year, make the following annual payments, which shall be deposited in the City's general fund and expended through legislation passed by City Council:

2011-2015	\$125,000 per year
2016-2036	\$150,000 per year

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

2011-2015	3% credit
2016-2036	4% credit

Section 2. Work on the Streets and Public Grounds.

The Grantee, in the construction, installation, maintenance or operation of the Steam System, shall not endanger or unnecessarily interfere with the lives of persons, shall not unnecessarily interfere with any installations of the City or any public utility or other person serving the City or using the streets and public grounds of the City, and shall not unnecessarily interrupt or obstruct the use of any streets and public grounds and, in connection with any work, shall obtain any permits and approvals required by the regulations and ordinances of the City. Prior to performing any work which would affect or alter the City's water mains, sewage or draining system or any other property of the City, Grantee shall provide written notice to the appropriate affected City agency or office. When any streets and public grounds are entered upon by the Grantee, or facilities removed by the Grantee, the Grantee shall at its cost restore the same to their original condition. Grantee shall clear all streets and public grounds of obstructions or anything that might constitute a nuisance or prevent such streets and public grounds from being open and in repair, if such obstruction or nuisance was caused by the Grantee or related to the operation of the Steam System. If the Grantee fails to complete such work within a reasonable period of time, the appropriate officer of the City may, in writing, notify the Grantee that the City will complete such work if not completed by the Grantee as soon as practicable as determined by the City after receipt of notice by Grantee. Any work not completed as determined by the City's officer may be completed by the City and the actual out-of-pocket cost of such work shall be charged to the Grantee. Upon the doing of such work, the City shall furnish the Grantee with itemized bills of the actual out-of-pocket cost of the work, and Grantee shall pay the bills within thirty (30) days after its receipt.

Section 3. Applicable Regulations.

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

Section 4. Indemnification and Insurance.

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

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

A. Service Connections and Delivery of Steam Service. Grantee shall, so

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

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

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

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

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

tioned above, with copies provided to the Director of Law of the City.

F. Quality of Service. The Grantee shall at all times provide safe, adequate and reliable service to its Customers and shall, except as may otherwise be permitted by law, provide same without discrimination. In so doing, Grantee shall maintain the Steam System in a manner to ensure such service and to ensure the efficient and safe operation of the Steam System. Grantee shall maintain the Steam System so as to avoid substantial leakage, and shall promptly repair material leaks in the Steam System. Grantee shall also promptly repair any pavement, tree lawn, curb or other portion of the street or public ground which is damaged by Grantee or due to defects in or leaks in or emanating from the Steam System. If there is any dispute between Grantee and a Customer as to whether the Grantee or Customer is responsible to repair damage in the streets or public grounds caused by Grantee or due to defects or leaks in the Steam System, Grantee shall promptly make any necessary repairs pending resolution of such dispute. The cost of such repairs may be part of any such resolution, and may be charged to the Customer if it is determined that the repairs were the responsibility of the Customer. The Grantee acknowledges its obligation to operate and maintain the Steam System so that it is not in such condition as to be a hazard to the health, safety or welfare of the public, and acknowledges the right of the City to reasonably require the Grantee to make necessary repairs or improvements to abate said condition. Grantee shall promptly comply with an order of the Director of the appropriate department of the City having custody and control of the particular property or the responsibility to ensure the health, safety or welfare of the public in the particular situation to make any such repairs or improvements.

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

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

Section 6. Transfers and Assignments.

The franchise granted to the Grantee herein shall not be transferable either directly or indirectly except with the consent of Council, provided, however, that the grant of a mortgage on or security interest in or assignment of real or personal property comprising the Steam System, including but not limited to Grantee's right to receive payments from Customers (including the City) with respect to the Steam System, as collateral security for financing of obligations of Grantee, shall not constitute or be deemed to be a transfer for purposes of this Section 6; and provided, further that nothing in any such mortgage, security interest or assignment shall purport to transfer the franchise granted herein except with the consent of Council. Additionally, Grantee shall not, without consent of Council, either directly or indirectly, consolidate, merge or in any other way give or permit control of the management of its business to or by any other heating, cooling or power company now operating or that may in the future operate in the City, including any company which would by such action by Grantee first enter into the business of providing heating, cooling or power, nor shall Grantee assign or transfer so much of the assets of the Steam System so as to render Grantee unable to continue providing adequate service as required herein. Notwithstanding the provisions of this Section 6, the capital stock or all or substantially all of the assets and business of Grantee may, without the prior approval of Council, be (i) transferred to any corporation or other entity which is affiliated with Grantee or (ii) consolidated or merged with, or the control of Grantee's management may be transferred to, any corporation or other entity which is affiliated with Grantee. For purposes of this section, the term "affiliate" shall mean any person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 7. Right of Purchase by the City.

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

Section 8. Renewal of Franchise.

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

Section 9. Non-Exclusivity of Franchise.

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

Section 10. Permits.

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

Section 11. PUCO

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

Section 12. Notices and Reports.

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

Section 13. Revocation and Amendment.

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

Section 14. Default.

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

Upon Council determination of default by the Grantee, the City may, at its option, exercise, concurrently or

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

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

Passed April 30, 2012.
Effective May 30, 2012.

Ord. No. 570-12.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Public Works is hereby authorized and directed to make a written requirements contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various types of vehicles and apparatus described in the Vehicle List placed in File No. 570-12-A, or such other vehicle or apparatus in substitution thereof as may be approved by the Directors of Public Works and Finance as replacement vehicles or apparatus, in the estimated sum of \$6,477,400, to be purchased, leased or leased to purchase by the Commissioner of Purchases and Supplies upon a unit basis for various Divisions in the Departments of Public Works and Public Safety, among others. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for a requirements contract for the entire year.

Section 2. The cost of said contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each

of which purchases or procurement shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 3. That the City may enter into a lease-purchase arrangement for the vehicles and apparatus with a bank, leasing company or any other organization that is not the manufacturer or vendor of the vehicles or apparatus that submitted a bid for the sale, lease or lease to purchase described in Section 1 of this ordinance, provided that: (I) the Director of Finance determines that it is in the best interest of the City to enter into that lease-purchase arrangement, (II) the maximum term of any lease-purchase arrangement does not exceed ten (10) years, (III) the aggregate principal obligation of the City under the lease-purchase arrangement does not exceed \$6,900,000, (IV) if the lease-purchase arrangement provides that the lease payments are to have a principal component and an interest component, the maximum interest rate for the interest component does not exceed seven percent (7%) per annum, (V) the obligations of the City under that lease-purchase arrangement for fiscal years beginning after December 31, 2012 are subject to annual appropriations being made by the City sufficient to pay the lease payments and to meet the other obligations of the City under that lease-purchase arrangement in each of these fiscal years, and (VI) the obligations of the City thereunder for the current fiscal year do not exceed \$660,000, which amount is hereby appropriated for that purpose. The Director of Finance is authorized and directed to sign and deliver, for and on behalf of the City and in the Director's official capacity, such written agreements, certificates and instruments as may be necessary or appropriate in order to provide for that lease-purchase arrangement under the terms and conditions authorized herein and containing such additional terms and conditions as are acceptable to the Director of Finance and the Director of Law. Those agreements may include a lease-purchase agreement, an escrow agreement for the deposit by the lessor of the purchase price of the vehicles and apparatus, acceptance certificates evidencing the City's acceptance of the vehicles from the vendors, and certificates as to insurance, tax compliance and related matters necessary to carry out the transaction. The lease-purchase arrangement may provide that the lease payments are to have a principal component and an interest component and that the interest component is to be excluded from gross income for federal income tax purposes. In that event, the Director of Finance and other City officials, as appropriate, are authorized to covenant on behalf of the City that (A) the City will use and will restrict the use of the vehicles and apparatus leased by the City under the lease-purchase agreement and will use, and will restrict the investment of, any proceeds of the lease-purchase agreement in such manner and to such extent as may be necessary so that the lease-purchase agreement will not constitute a private activity bond, an arbitrage bond or a hedge bond under the Internal Revenue Code of 1986, as amended (the "Code"), or be

treated other than as an obligation to which Section 103(a) of the Code applies, and (B) the City will take or cause to be taken such actions that may be required of it for the interest component of the lease payments to be and to remain excluded from gross income for federal income tax purposes and the City will not take or authorize to be taken any actions that would adversely affect that exclusion. In the event that the City enters into such a lease-purchase arrangement, the Director of Public Works may assign to the lessor under the lease-purchase arrangement, or the lessor's designee, the rights of the City under the contracts for purchase of the vehicles and apparatus authorized in Section 1 of this ordinance.

The Director of Law, Clerk of Council and other appropriate officials of the City are authorized to sign and deliver any documents, certificates and other instruments as the Director of Law determines are necessary and appropriate to carry out the transactions authorized by this ordinance.

Section 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance where adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

Section 5. That under Section 108(b) of the Charter, the purchases autho-

rized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed April 30, 2012.
Effective May 4, 2012.

Ord. No. 614-12.

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

An emergency ordinance approving the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756; and to amend Section 45 of Ordinance No. 1689-11, passed November 28, 2011, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756, under the terms contained in File No. 614-12-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

- (a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or
- (b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That Section 45 of Ordinance No. 1689-11, passed November 28, 2011, is amended to read as follows:

Section 45. Treasurers and Ticket Sellers Union, Local 756. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Manager of Box Office.....	\$23,333.40	\$52,862.83
2. Box Office Cashier.....	10.33	17.44

Section 3. That existing Section 45 of Ordinance No. 1689-11, passed November 28, 2011, is repealed.

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

Passed April 30, 2012.
Effective April 30, 2012.

Ord. No. 615-12.

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

An emergency ordinance authorizing the Director of Capital Projects to enter into contract with Zenith Systems LLC for the immediate purchase of labor, equipment, and materials necessary to repair the West 3rd Street lift bridge; and to enter into contract with TranSystems Corporation Ohio for the immediate professional services necessary for the bridge repairs.

Whereas, the West 3rd Street lift bridge is inoperable and closed to vehicular and pedestrian traffic due to failure of the bridge's major mechanical and electrical operating systems; and

Whereas, ODOT road construction has closed and will require future

closings of various Flats roads, so that re-opening of the bridge is required to reduce, eliminate, and preclude lengthy, time-consuming, costly, inefficient, and environmentally damaging detours of heavy truck and other commercial and consumer vehicular traffic to and from the Flats locations the bridge connects; and

Whereas, the Director of Capital Projects has determined, based on considerations of movable bridge repair capability and experience, project approach, immediate availability, project delivery capability and completion date, quality, cost, and safety, that the City should contract with Zenith Systems L.L.C. for the immediate purchase of labor, equipment, and materials necessary

to repair the West 3rd Street lift bridge, including all components; and

Whereas, the Director of Capital Projects has also determined, based on the above-stated considerations, that the City should contract with TranSystems Corporation Ohio, for the immediate engagement of professional engineering services relating to the bridge repair; 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 Capital Projects is authorized to make a written contract with Zenith Systems L.L.C., based upon its April

11, 2012 proposal, as amended April 18, 2012, for the immediate purchase of labor, equipment, and materials necessary to repair the West 3rd Street lift bridge, including all components, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, for the Office of Capital Projects, for an estimated cost of \$1,438,286.

Section 2. That the Director of Capital Projects is authorized to make a written contract with TranSystems Corporation Ohio, based substantially upon its April 27, 2012 proposal, for immediate engagement of the professional engineering services necessary for repair of the West 3rd Street lift bridge, for the Office of Capital Projects.

Section 3. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, and from the fund or funds to which are credited the proceeds from the sale of 2012 general obligation bonds authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds, Request No. RQS 0103, RL 2012-82.

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

Passed April 30, 2012.
Effective April 30, 2012.

Ord. No. 617-12.

By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Gaylord LLC for professional services necessary to implement a public information plan and review of the City's demolition strategy and other supportive neighborhood reinvestment programs 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 an agreement with Gaylord, LLC for the professional services necessary to implement a public information plan and review of the City of Cleveland's demolition strategy and other supportive neighborhood reinvestment programs, which includes an assessment of what data are needed to support a messaging plan to advocate the importance of and economic value in such demolition to the City's recovery from the housing and foreclosure crisis for Cleveland City Council.

The agreement shall be certified in an amount not to exceed \$20,000.00 from fund 11-006.

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.

Passed April 30, 2012.
Effective May 4, 2012.

Ord. No. 618-12.

By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Thunder Tech for the professional services necessary to provide ongoing improvements and upgrades to the existing Cleveland City Council website.

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 an agreement with Thunder Tech for the professional services necessary to provide ongoing improvements and upgrades to the existing Cleveland City Council website.

The cost of all services under this agreement shall not exceed \$12,000 and shall be paid for from fund 11-006.

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.

Passed April 30, 2012.
Effective May 4, 2012.

Ord. No. 619-12.

By Council Member Sweeney.
An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware and software and maintenance services for Cleveland City Council for a period of one year with two one-year options to renew and authorizing the purchase through cooperative agreements using state procedures of computer hardware, software and maintenance services for Cleveland City Council and the Clerk of 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 Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with two one-year options to renew, of the necessary items of hardware and software, including maintenance services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Cleveland City Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Clerk of Council determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The first term and both of the two

one-year options may be taken by the Director of Finance without additional legislative authority of Council.

Section 2. That the costs of the contract or contracts shall be charged against fund no. 11 Sub fund 006 by the Director of Finance 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 3. That under Section 108(b) of the Charter of the City of Cleveland, the purchase of hardware, software and maintenance services for such hardware and software may be made through cooperative agreements using state procedures. The Clerk of Council and/or the Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases or fund the services, and may enter into one or more contracts with the vendors selected through that cooperative process. Such contracts shall be paid for from fund no. 11 sub fund 006.

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

Passed April 30, 2012.
Effective May 4, 2012.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, May 7, 2012
2:00 p.m.**

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

**Tuesday, May 8, 2012
9:30 a.m.**

Community and Economic Development Committee: Present: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Westbrook, Zone. *Authorized Absence:* Cimperman, Miller, Pruitt.

**Wednesday, May 9, 2012
10:00 a.m.**

Aviation and Transportation Committee: Present: Keane, Chair; Cummins, J. Johnson, K. Johnson, Kelley, Mitchell. *Authorized Absence:* Pruitt, Vice Chair.

1:00 p.m.

City Planning (Zoning) Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

1:30 p.m.

City Planning Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

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