

The City Record

Official Publication of the Council of the City of Cleveland



May the Sixteenth, 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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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 16, 2012

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CITY COUNCIL

MONDAY, MAY 14, 2012

The City Record
Published weekly by the City Clerk,
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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 14, 2012

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

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, 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, Maureen R. Harper, Chief of Communications, Andrea V. Taylor, Jenita McGowan, Chief of Sustainability, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Butler, Flask, Cox, Rush, Rybka, Southerington, Nichols, Griffin, Fumich, Ambroz and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor Cecil Gamble, Jr. of Greater Mt. Calvary C.O.G.I.C., located at 10109 Nelson Avenue, in Ward 2. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 700-12.

From: Director of Public Safety — Ohio Pet Fund — \$1,000.00 — application and acceptance of Grant. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 701-12.

Re: 696615160030 — D2, D2X, D3, D6 Transfer of Ownership Application — Playhouse Square Foundation, 2033 East 14th Street. (Ward 3). Received.

File No. 702-12.

Re: 8513100 — D5, D6 Transfer of Ownership Application — Strange 1323 LLC, d.b.a. Carneys Top O The Flats, 1329 Washington Avenue. (Ward 3). Received.

File No. 712-12.

Re: 9555642 — C1 New Application — West 44th Street Food, Inc., 3238 West 44th Street. (Ward 14). Received.

File No. 719-12.

Re: 2198075 — D5 New Application — Discovery Dive Charters and Tours, Incorporated, East 55th Street Marina, 555 North Marginal Road. (Ward 8). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 720-12—Joseph DeCaro.

Res. No. 721-12—Jessie Mae Kinney.

Res. No. 722-12—Rose Einstein Strauss.

Res. No. 723-12—Brian McIntyre.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 724-12—36th Cleveland International Film Festival.

Res. No. 725-12—K. Michael Benz.

RECOGNITION RESOLUTIONS

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

Res. No. 726-12—Liberian Association of Cleveland and its Environs.

Res. No. 727-12—Cleveland Housing Network.

Res. No. 728-12—Reimagining Cleveland.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 705-12.****By Council Member Polensek, 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 7003 PI 2010-18 with Panzica Construction Company for the construction of the new Collinwood Recreation Center, for the Department of Public Works.**

Whereas, Ordinance No. 944-11, passed July 20, 2011, authorized the Director of Public Works to enter into a subsidiary agreement to City Contract No. CT 7003 PI 2010-18 with Panzica Construction Company for the construction of the new Collinwood Recreation Center; and

Whereas, an additional subsidiary agreement is now necessary in order to complete City Contract No. CT 7003 PI 2010-18; and

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

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

Section 1. That the Director of Public Works is authorized to make the following alterations and modifications in Contract No. CT 7003, PI 2010-18 with Panzica Construction Company, for the construction of the new Collinwood Recreation Center, for the Department of Public Works:**COLLINWOOD RECREATION CENTER**Subsidiary Credits

| <u>Item</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|---|---------------|
| 1. | emergency generator allowance..., complete (lump sum) | \$36,880.00 |
| 2. | building dedication plaque allowance, complete (lump sum) | 430.00 |
| 3. | contract contingency | <u>40.36</u> |
| SUBSIDIARY CREDITS | | \$37,350.36 |

Subsidiary Additions

| <u>Item</u> | <u>Description</u> | <u>Amount</u> |
|-------------|---|------------------|
| PCO098 | parking lot compaction/grading remediation, complete (lump sum) | \$234,714.70 |
| PCO110 | mathematical errors/omission, complete (lump sum) | \$ 18,022.37 |
| PCO097 | girt covers within gymnasium, complete (lump sum) | \$ 16,377.00 |
| PCO106 | additional north elevation drainage infrastructure, complete (lump sum) | \$10,649.50 |
| PCO087 | additional window coverings/treatments, complete (lump sum) | \$ 7,865.00 |
| PCO103 | additional property fence (west), complete (lump sum) | \$ 6,643.00 |
| PCO083 | waterslide "kill switch", complete (lump sum) | \$ 6,392.77 |
| PCO079 | north walk extension, complete (lump sum) | \$ 5,901.40 |
| PCO078 | meeting room electrical modifications, complete (lump sum) | \$ 5,698.00 |
| PCO050 | additional pool deck drains, complete (lump sum) | \$ 5,325.00 |
| PCO089 | personal hygiene product equipment, complete (lump sum) | \$ 4,331.00 |
| PCO091 | vehicular security/service gate, complete (lump sum) | \$ 2,955.00 |
| PCO102 | re-construction of existing drainage structures, complete (lump sum) | \$ 2,800.00 |
| PCO003 | mold assessment, complete (lump sum) | \$ 2,735.00 |
| PCO107 | additional directional signage, complete (lump sum) | \$ 2,010.00 |
| PCO104 | existing drainage structure modification, complete (lump sum) | \$ 1,425.42 |
| PCO088 | window frame finish modifications, complete (lump sum) | \$ 1,350.00 |
| PCO101 | plaster trap and faucet modification, complete (lump sum) | \$ 1,245.00 |
| PCO082 | door hardware modification, complete (lump sum) | \$ 1,195.00 |
| PCO099 | additional sprinkler head installation, complete (lump sum) | \$ 811.00 |
| PCO100 | sports equipment, complete (lump sum) | \$ 826.14 |
| PCO109 | instruction room wall modification, complete (lump sum) | \$ 535.00 |
| PCO108 | accessible shower room modification, complete (lump sum) | <u>\$ 618.00</u> |

SUBSIDIARY ADDITIONS \$ 340,425.30

| | | |
|---------------------------------|---------------------|-------------------|
| Original Contract Price | \$ 9,852,150.00 | |
| First Subsidiary Additions | <u>+ 200,257.06</u> | (Ord. No. 944-11) |
| Revised Contract Amount | \$10,052,407.06 | |
| | | |
| Additions this subsidiary | \$ 340,425.30 | |
| Credits this subsidiary | <u>- 37,350.36</u> | |
| Total Additions this subsidiary | \$ 303,074.94 | |
| | | |
| Revised Contract Amount | \$10,052,407.06 | |
| Total Additions this subsidiary | <u>+ 303,074.94</u> | |
| TOTAL REVISED CONTRACT AMOUNT | \$10,355,482.00 | |

which alteration has been recommended in writing by the Director of Public Works, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Works and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$303,074.94 to be paid from Fund Nos. 20 SF 377, 20 SF 381, 20 SF 391, 20 SF 392, 20 SF 501, 20 SF 503, 20 SF 504, 20 SF 508, 20 SF 509, 20 SF 516, 20 SF 517, 20 SF 523, 20 SF 524, 20 SF 532, 20 SF 533, 20 SF 535, 20 SF 538, and 20 SF 539. Request No. RQS 7003, RL 2012-64.

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 Public Works, Finance, Law; Committees on Public Parks, Properties, and Recreation, Finance.

Ord. No. 706-12.
By Council Members Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with various agencies or entities to provide AIDS-related services, in conjunction with the HOPWA Grant; and authorizing the employment of one or more professional consultants to provide evaluation services.

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 enter into one or more contracts with various agencies or entities, effective June 1, 2012, to provide AIDS-related services in conjunction with the Housing Opportunities for People With AIDS (HOPWA) Grant Program, under File No. 706-12-A, and in addition, the sum of not more than \$28,243 is appropriated to the Department of Public Health for administrative costs of implementing the HOPWA program.

Section 2. That the Director of Public Health is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide evaluation services.

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

Section 3. That any agency or entity that receives funds under this ordinance shall be required to comply with the evaluation services provided by the consultant.

Section 4. That the Directors of Public Health and the Director of Community Development are authorized to enter into a memorandum of understanding for this program under the terms authorized by this legislation.

Section 5. That the costs of the contract or contracts and administrative costs referred to in Section 1 authorized above are appropriated for costs of the Department of Public Health incurred from Fund 19 following the appropriate federal regulations and shall not exceed \$967,243 and shall be paid from Fund No. 19 SF 662, Request No. RQS 8006, RL 2012-87.

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

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

Ord. No. 707-12.
By Council Members Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contracts with various agencies or entities to provide AIDS-related services; authorizing the employment of one or more professional consultants to provide evaluation services; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with various agencies or entities to provide HIV/AIDS prevention education activities, under the Community Development Block Grant, File No. 707-12-A, and in addition, the sum of not more than \$112,000 is appropriated to the Department of Public Health for administrative costs of implementing the contracts authorized by this ordinance.

Section 2. That the Director of Public Health is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide evaluation services.

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

Section 3. That the Director of Public Health is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file.

Section 4. That any agency or entity that receives funds under this ordinance shall be required to comply with the evaluation services provided by the consultant.

Section 5. That the Directors of Public Health and Community Development are authorized to enter into a memorandum of understanding for this program in accordance with the terms authorized by this legislation.

Section 6. That the cost of the contract or contracts and administrative costs referred to in Section 1 authorized are appropriated for costs of the Department of Public Health incurred from Fund 19 following the appropriate federal regulations and shall not exceed \$346,000 and shall be paid from Fund No. 14 SF 038, Request No. RQS 8006, RL 2012-86.

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

Ord. No. 708-12.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the implementation of a Cleveland Public Power City-wide LED Giveaway program to promote energy efficiency and conservation; and authorizing the purchase by one or more requirement contracts of various sizes and styles of 60-watt equivalent LED light bulbs, for the Division of Cleveland Public Power, Department of Public Utilities, for a one year period.

Whereas, LED light bulbs are dramatically more energy efficient than compact fluorescent bulbs or incandescent bulbs and have a much longer life expectancy; and

Whereas, LED bulbs have only recently become widely available to consumers for household use; and

Whereas, Cleveland Public Power desires to implement a City-wide LED Giveaway program to introduce the City's residents to LED technology and to promote energy efficiency and conservation; and

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

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

Section 1. That the Director of Public Utilities is authorized to implement a City-wide LED Giveaway program to promote energy efficiency and conservation.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period, of the necessary items of various sizes and styles of 60-watt equivalent LED light bulbs, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. 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 3. 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 the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of

Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance and, as to CPP customers, paid from CPP operating funds. (RQN 2004, RL 2012-29)

Section 4. That the costs of the program authorized herein relating to participation by customers of the Cleveland Electric Illuminating Company shall be paid from the grant funds received under the authority of Ord. No. 326-10, passed April 12, 2010.

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 709-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend Section 9 of Ordinance No. 1570-11, passed December 5, 2011, relating to the improvement of Professor Avenue; to amend Section 9 of Ordinance No. 1571-11, passed December 5, 2011, relating to the improvement of West 6th Street; and to amend Section 8 of Ordinance No. 1598-11, passed December 5, 2011, relating to the improvement of Larchmere Avenue, to add 2012 general obligation bonds as a funding source.

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 9 of Ordinance No. 1570-11, passed December 5, 2011, is amended to read as follows:

Section 9. That the cost of the contracts, payments, property acquisition, and other expenditures 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, **from the fund or funds to which are credited the proceeds from the sale of any general obligation bonds issued in 2012 for this purpose as authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds**, from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any funds received under the local public agency agreement, fund or cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance. (RQS 4002, RL 2011-194)

Section 2. That existing Section 9 of Ordinance No. 1570-11, passed December 5, 2011, is repealed.

Section 3. That Section 9 of Ordinance No. 1571-11, passed December 5, 2011, is amended to read as follows:

Section 9. That the cost of the contracts, payments, property acquisition, and other expenditures 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, **from the fund or funds to which are credited the proceeds from the sale of any general obligation bonds issued in 2012 for this purpose as authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds**, from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any funds received under the local public agency agreement, fund or cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance. (RQS 4002, RL 2011-195)

Section 4. That existing Section 9 of Ordinance No. 1571-11, passed December 5, 2011, is repealed.

Section 5. That Section 8 of Ordinance No. 1598-11, passed December 5, 2011, is amended to read as follows:

Section 8. That the cost of the contracts, payments, property acquisition, and other expenditures 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, **from the fund or funds to which are credited the proceeds from the sale of any general obligation bonds issued in 2012 for this purpose as authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds**, from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any funds received under the local public agency agreement, fund or cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance. (RQS 4002, RL 2011-195)

Section 6. That existing Section 8 of Ordinance No. 1598-11, passed December 5, 2011, is repealed.

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

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

Ord. No. 710-12.

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

An emergency ordinance determining the method of making the public improvement of constructing the Burke Lakefront Airport Runway 6L-24R Safety Area and related facilities in order to comply with mandatory FAA standards; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various requirement contracts needed in connection with the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Burke Lakefront Airport Runway 6L-24R Safety Area and related facilities in order to comply with mandatory FAA standards (the "Improvement"), for the Division of Burke Lakefront Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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

Section 4. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 5. That the Director of Port Control 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 to be determined by the Director of Port Control of the necessary items of materials, equipment, supplies, and services necessary to implement the improvement, including labor and installation, if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Burke Lakefront Airport, Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combina-

tion 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 6. 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 the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the Department of Port Control is authorized to enter into submerged land leases with the State of Ohio for property at Burke Lakefront Airport as deemed necessary for a term not to exceed fifty years.

Section 9. That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 126, 60 SF 141, and 60 SF 160, RQS 3001, RL 2012-47.

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

Ord. No. 711-12.

By Council Member Cimperman.
An emergency ordinance designating the East Ohio Gas Company Building and Garage as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the East Ohio Gas Company Building and Garage as a landmark; and

Whereas, the owner of the East Ohio Gas Company Building and Garage has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the East Ohio Gas Company Building and Garage as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special histori-

cal, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the East Ohio Gas Company Building and Garage, whose street addresses in the City of Cleveland are 1701-1735 East Ninth Street, also known as 906-1016 Superior Avenue, N. E., and 907-917 Walnut Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 101-35-004 and 101-35-032, and is also known as the following described property:

Parcel "A":

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublot Numbers 1 and 2 in John M. Woolsey's Subdivision of part of Original Two Acre Lot Number 167, as shown by the recorded plat in Volume N of Deeds, Page 486 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning at the drill hole in a stone monument found at the intersection of the centerlines of Superior Avenue, N. E. (State Route 6) (132 feet wide) and East 9th Street (formerly Erie Street) (99 feet wide); thence North 55° 48' 00" East along the centerline of Superior Avenue, N. E., 49.50 feet to a point; thence South 33° 59' 50" East, 66.00 feet to a drill hole set in concrete walk at the intersection of the southeasterly right of way of Superior Avenue, N. E., and the northeasterly right of way of East 9th Street and being the Principal Place of Beginning of the premises herein described; thence North 55° 48' 00" East along the southeasterly right of way of Superior Avenue, N. E., 125.48 feet to a drill hole set in concrete walk; thence South 33° 59' 50" East passing along the westerly face of a brick-steel-concrete wall (Garage Parcel), 133.04 feet to a drill hole set in concrete walk on northwesterly right of way of Walnut Avenue, N. E. (66 feet wide); thence South 55° 53' 44" West along the northwesterly right of way of Walnut Avenue, N. E., 125.48 feet to a drill hole set in concrete walk at the intersection of the northwesterly right of way of Walnut Avenue, N. E., and the northeasterly right of way of aforesaid East 9th Street; thence North 33° 59' 50" West along the northeasterly right of way of East 9th Street, 132.83 feet to the Principal Place of Beginning and containing 0.3829 acres of land as surveyed and described by Edward B. Dudley, P. S. Number 6747 of the Riverstone Company in April of 2011, but subject to all legal highways, restrictions, easements, and exceptions of records.

Note: All 5/8" X 30" iron pins set and capped "Riverstone Company-Dudley PS6747."

Basis of Bearings: The centerline of Superior Avenue as North 55° 48' 00" East as recorded in land conveyed to in Auditor's File Number 200611220149 of Cuyahoga County Deed Records.

Parcel "B":

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot Numbers 3 and 4 and part of Sublot Numbers 1, 2, and 5 in John M. Woolsey's Subdivision, being part of Original Two Acre Lot Number 167, as

shown by the recorded plat in Volume N of Deeds, Page 486 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning at the drill hole in a stone monument found at the intersection of the centerlines of Superior Avenue, N. E. (State Route 6) (132 feet wide) and East 9th Street (formerly Erie Street) (99 feet wide); thence North 55° 48' 00" East along the centerline of Superior Avenue, N. E., 49.50 feet to a point; thence South 33° 59' 50" East, 66.00 feet to a drill hole set in concrete walk at the intersection of the southeasterly right of way of Superior Avenue, N. E., and the northeasterly right of way of East 9th Street; thence North 55° 48' 00" East along the southeasterly right of way of Superior Avenue, N. E., 125.48 feet to a drill hole set in concrete walk and being the Principal Place of Beginning of the premises herein described; thence North 55° 48' 00" East continuing along the southeasterly right of way of Superior Avenue, N. E., 180.20 feet to a drill hole set at the northwesterly corner of land conveyed to 1100 Superior of Cleveland LLC (P. P. N. 101-35-032) by deed dated December 07, 2007 and recorded in Auditor's File Number 200712070518 of Cuyahoga County Deed Records; thence South 33° 58' 19" East along the southwesterly line of land so conveyed to 1100 Superior of Cleveland LLC, 133.34 feet to a drill hole found (0.37 feet north and 0.68 feet east) on the northwesterly right of way of Walnut Avenue, N. E. (66 feet wide); thence South 55° 53' 44" West along the northwesterly right of way of Walnut Avenue, N. E., 180.14 feet to a drill hole set in concrete walk; thence North 33° 59' 50" West passing along the westerly face of a brick-steel-concrete wall, 133.04 feet to the Principal Place of Beginning and containing 0.5509 acres of land as surveyed and described by Edward B. Dudley, P. S. Number 6747 of the Riverstone Company in April of 2011, but subject to all legal highways, restrictions, easements, and exceptions of records. Note: All 5/8" X 30" iron pins set and capped "Riverstone Company-Dudley PS6747."

Basis of Bearings: The centerline of Superior Avenue as North 55° 48' 00" East as recorded in land conveyed to in Auditor's File Number 200611220149 of Cuyahoga County Deed Records.

Description approved by Greg Esber, Section Chief

Plats, Surveys and House Number Section

Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 City Planning Commission, Law; Committees on City Planning, Finance.

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

**Ord. No. 703-12.
By Council Member Zone.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Avenue, for the period from May 18, 2012 to June 10, 2012, inclusive, publicizing the Church Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Sagrada Familia Church to install, maintain and remove banners at 7750 Detroit and 7775 Detroit Avenue for the period from May 18, 2012 to June 10, 2012, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 704-12.

By Council Member Cimperman (By departmental request).

An emergency ordinance to vacate a portion of Decatur Court S.E. (16.5 feet wide).

Whereas, under Resolution No. 260-A-12, adopted March 16, 2012, this Council declared its intention to vacate a portion of Decatur Court S.E. (16.5 feet wide); and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2012, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating

a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Legal Description

For

Decatur Court Vacation

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Two Acre Lot No. 129, also known as being part of Decatur Court (16.50 feet wide) as shown in the Walworth and Kelley Subdivision as recorded in Volume 2, Page 26 of Cuyahoga County Map Records and more fully bounded and described as follows;

Commencing at a drill hole found in a stone at the intersection of the centerline of Carnegie Avenue (99.00 feet wide, formerly known as Central Avenue and Ohio Street), with the centerline of Broadway (99.00 feet wide, formerly known as Pittsburgh Street);

Thence North 55° 07' 15" East, along the centerline of Carnegie Avenue, as aforesaid, 182.23 feet;

Thence South 34° 52' 45" East, 49.50 feet to a point in the southeasterly Right-of-Way of Carnegie Avenue, as aforesaid;

Thence continuing South 34° 52' 45" East, 60.31 feet to an angle point, and the PRINCIPAL PLACE OF BEGINNING of a parcel of land herein described;

Thence South 67° 06' 15" East, 100.15 feet to an angle point;

Thence North 58° 33' 40" East, 20.31 feet to an angle point;

Thence North 67° 06' 15" West, 107.22 feet to an angle point;

Thence North 34° 52' 45" West, 10.20 feet to an angle point;

Thence South 12° 54' 58" West, 22.27 feet to the PRINCIPAL PLACE OF BEGINNING, containing 0.0412 acres, be the same, more or less, but subject to all legal highways, and shown in the Vacated Plat recorded in Volume _____, Page _____ of Cuyahoga County Map Records, and prepared by Louise A. Veverka, dated March 13, 2012.

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

Section 2. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 3. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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. 713-12.

By Council Member Cimperman.

An emergency ordinance changing the name of Eagle Avenue between Ontario Street and East Ninth Street to "Larry Doby Way".

Whereas, the Cleveland Indians are looking forward to celebrating the 65th anniversary of Larry Doby's having broken the color barrier in the American League when he made his debut with the Cleveland Indians on July 5, 1947; and,

Whereas, the Cleveland Indians will recognize Mr. Doby's courageous act and his overall contributions to the Indians and Major League Baseball in a ceremony following the ballgame against the Tampa Bay Rays on Friday, July 6, 2012; and,

Whereas, the citizens of Cleveland want to honor the legacy of Larry Doby with a street name of "Larry Doby Way"; and,

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

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

Section 1. That the street name of Eagle Avenue between Ontario Street and East Ninth Street is changed to "Larry Doby Way".

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

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

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

Ord. No. 714-12.

By Council Member Conwell.

An emergency ordinance changing the name of Glenville Recreation Baseball Field located at 680 E. 113th Street to "The Dennis T. Woods Field".

Whereas, Dennis T. Woods taught at Glenville High School for 32 years, and helped start their baseball program in 1966; and

Whereas, Mr. Woods coached the Glenville High School team from 1966 through 1974 and again from 1985 through 1996 as Athletic Director, coaching the team to league championships nine times, appearing in five City Championships and winning two, and finishing as State Runners Up in the State championship in 1973; and

Whereas, Mr. Woods was the Head Baseball Coach at Cuyahoga Community Metro from 1977 through 1979, and the Head Baseball Coach at Case Western Reserve University from 1981 through 1985 while still teaching at Glenville High School; and

Whereas, after retiring in 1996, Mr. Woods coached three years at Cleveland Heights High School, and has coached at Lake Catholic High School for the past twelve years; and

Whereas, this past season, Mr. Woods achieved his 700 coaching victory along with 433 losses;

Whereas, the citizens of Glenville want to honor Dennis T. Woods as a true hero, coach, teacher, and mentor by renaming the Glenville Recreation Baseball Field as "The Dennis T. Woods Field."

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

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

Section 1. That the name of Glenville Recreation Baseball Field located at 680 E. 113th Street to "The Dennis T. Woods Field."

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. 715-12.

By Council Member Sweeney.

An emergency resolution fixing the 2012 summer schedule of meetings of the Council of the City of Cleveland.

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

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

Section 1. That the schedule of meetings during the 2012 summer months of the Council of the City of Cleveland is hereby fixed as follows:

July 11, 2012
August 8, 2012

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 10, 2012.

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. 717-12.

By Council Member Kelley.

An emergency resolution withdrawing objection to the renewal of a D5 Permit at 4256 Pearl Road and repealing Resolution No. 983-11 objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 4256 Pearl Road by Resolution No. 983-11 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 D5 Liquor Permit to E. Enterprises, Inc., 4256 Pearl Road, Cleveland, Ohio 44109, Permanent Number 2385085, be the same is hereby withdrawn and Resolution No. 983-11 containing such objection, be the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 718-12.

By Council Member Sweeney.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 4606 West 130th Street and repealing Resolution No. 1245-11 objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 4606 West 130th Street by Resolution No. 1245-11 adopted by the Council on September 12, 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 C2 and C2X Liquor Permit to Phnom Penh Restaurant, Inc., DBA Shop Rite Supermarket, 4606 West 130th Street, Cleveland, Ohio 44135, Permanent Number 6977108, be the same is hereby withdrawn and Resolution No. 1245-11 containing such objection, be the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 10-12.

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

An emergency ordinance authorizing the Director of Public Works to enter into a concession agreement for the operation of the Highland Park Golf Course, food and beverage concessions, pro shop, merchandise and sales, marketing, and all other golf course and hospitality-related management services for a period of ten years, with two five-year options to renew, exercisable by the Director of Public Works.

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

1. In the title, strike lines 9 and 10 in their entirety and insert "to renew, both of which are exercisable through additional legislative authority."

2. In Section 1, line 7, strike "exercisable by the Director of Public Works" and insert "both of which are exercisable through additional legislative authority".

3. In Section 1, at the end, add the following new sentence: "That a copy of the executed concession agreement shall be given to the Clerk of Council and placed in File No. 10-12-A."

Amendments agreed to.

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

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

Ord. No. 76-12.

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

An emergency ordinance to amend Sections 4, 5, and 9 of Ordinance No. 856-07, passed May 21, 2007, relating to establishing the City of Cleveland as a Community Reinvestment Area under Section 3735.65 et seq. of the Ohio Revised Code.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Legislation, Finance, when amended, as follows:

1. In the title, line 3; in Section 1, line 2; and in Section 2, line 2, after "2007," insert "as amended by Ordinance No. 769-09, passed June 8, 2009," in all three places.

Amendments agreed to.

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

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

Ord. No. 257-12.

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

An emergency ordinance authorizing the Director of Port Control to lease certain space located on a portion of North Marginal Road and known as Lot 9 to the Cleveland Coordinating Committee for the Cod, Inc. to provide parking for the USS Cod Museum, for a term of six months.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance.

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

Ord. No. 258-12.

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

An emergency ordinance authorizing the Director of Public Safety to lease certain space located on a portion of the 1st Floor at the Central Police Station Building on the Cleveland Justice Center site, also designated as the Cleveland Division of Police Headquarters, to The Cleveland Police Historical Society for the purpose of operating a Police Museum, for a term of twenty-five years.

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

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

Ord. No. 262-12.

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

An emergency ordinance determining the method of making the public improvement of repairing or replacing roofs and appurtenances, including but not limited to roofing systems; authorizing the Director of Public Utilities to enter into one or more public improvement requirement contracts for the making of the improvement; and authorizing the purchase by one or more requirement contracts of maintaining, testing, evaluating, repairing or replacing roofs and appurtenances, including but not limited to roofing systems, and repairing water damage to structures and structure components caused by leaky roofs, for the Department of Public Utilities, for a period up to two years.

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

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

Ord. No. 264-12.

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

An emergency ordinance authorizing the Director of Public Works to

enter into a property adoption agreement with the University Circle Incorporated to install and maintain a bike park at the southeast corner of Euclid Avenue and Stearns Road in Rockefeller Park.

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

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

Ord. No. 284-12.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into various written standard purchase and requirement contracts for materials, equipment, supplies, and services needed to install a limited number of electric vehicle charging stations, and for maintenance, training, labor, installation and billing assistance, necessary to develop and implement a three-year pilot program, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of three years; authorizing the Director to apply for and accept gifts and grants from any public or private entity, including the gift of equipment, services, or the loan of equipment, necessary to implement the pilot program; and authorizing leases.

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

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

Ord. No. 395-12.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 748-11, passed July 20, 2011, relating to the improvement of installing replacement security bollards and making other related improvements at the Main Terminal upper and lower roadways at Cleveland Hopkins International Airport; to supplement the ordinance by adding new Sections 3, 4, and 5; and to renumber existing Sections 3, 4, 5, and 6 to new Sections 6, 7, 8, and 9.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance.

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

Ord. No. 399-12.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Ohio Department of Development for the Walworth Road Infrastructure Improvement; determining the method of making the pub-

lic improvement of constructing the cul de sac and making surrounding street improvements to accommodate the new Max Hayes Vocational High School; authorizing the Director of Capital Projects to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to implement the improvement; Authorizing the Director of Capital Projects to accept gifts and grants from any public or private entity to implement the improvement; authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property and easements as are necessary to make the improvement; and authorizing the Director of Capital Projects to enter into one or more contracts with the Cleveland Metropolitan School Board to implement the improvement.

Approved by Directors of Economic Development, Capital Projects, City Planning Commission, Finance, Law; Relieved of Committee on Public Service; Passage recommended by Committees on Community and Economic Development, City Planning, Finance, when amended, as follows:

1. In the title line 3, strike "a grant" and insert "grants"; and in line 4, after "Development" insert "**and the Ohio Department of Transportation**".

2. In Section 1, line 2, strike "a grant in the amount" and insert "**grants in the aggregate amount**"; and in line 3 after "Development" insert "**and the Ohio Department of Transportation**".

3. In Section 2, line 3, strike "File No. 399-121-A" and insert "**File No. 399-12-B**".

Amendments agreed to.

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

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

Ord. No. 400-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Second Amendment to the Master Development Agreement, Contract No. 40622, with Chagrin Highlands Ltd, to change certain terms of the agreement.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance, when amended, as follows:

1. In Section 1, beginning at line 4, strike all the terms of the agreement in their entirety and insert the following:

"1. Tract Purchase Limits Deleted. The definition of "Reserved Land" in Section 1 of the MDA is deleted and replaced with:

"Reserved land" shall mean any portions of the Property designated as such by the Developer in its exercise notice under Section 4.2; provided, however, that in no event may the Developer designate more than thirty-six percent (36%) of the Area of the Adjusted Property as Reserved Land, except that for purposes of this limitation after New Land is added to the Property,

Developer may additionally designate as Reserved Land (whether in the New Land or in any other location) additional acreage equivalent to not more than forty percent (40%) of the Area of New Land. Notwithstanding anything to the contrary, Reserved Land shall in no event be deemed to include the Areas of the Initial Parcel, the Seed Parcel or any part of the Property (or any interest therein) which is directly or indirectly conveyed, or is to be conveyed, to the State of Ohio, any municipality or any governmental or quasi-governmental entity for use in conjunction with the construction or improvement of the Interchange or any public highway, dedicated street or public right-of-way, or any widening, extension or reconfiguration thereof."

2. Updated Appraiser Qualifications. Exhibit D to the MDA (Appraisal Procedure), Exhibit 4 (Appraisal Procedure) to Exhibit D (Form of Ground Lease) and Exhibit O (Calculated Land Rental Appraisal Procedure) are amended by deleting clauses (i) and (ii) from paragraph 1 of each Exhibit, and substituting:

(i) an MAI or SRPA member of the Appraisal Institute (or its successor organization or, if it no longer exists, an organization with similar requirements for membership, existing at such time), or

(ii) an ASA accreditation from the American Society of Appraisers (or its successor organization or, if it no longer exists, an organization with similar requirements for membership, existing at such time); and

3. Exhibit G to the MDA (Appraisal Procedure) is amended to add the following paragraph:

For each purchase of Reserved Land which (a) closed during the period of five (5) years prior to the Occurrence Date and (b) was effected by transfer of such Reserved Land directly from the City to a nominee of Developer which was not an affiliate of Developer (an "Independent Purchaser"), Developer shall make available for review by the appraiser(s) and the City such documentation as is reasonably required to determine the full value of all consideration paid by each Independent Purchaser for Reserved Land. Notwithstanding the foregoing, if Developer is subject to a covenant for the benefit of such Independent Purchaser which prohibits disclosure to the appraiser(s) and the City of the consideration paid by the Independent Purchaser, Developer shall not be required to make documents pertaining to such transaction available unless Developer obtains a waiver of the covenant from such Independent Purchaser; provided, however, that Developer shall use reasonable efforts (without payment or other consideration) to obtain such waiver. From and after the date of the Second Amendment of the Master Development Agreement, Developer shall not enter into any agreement with an Independent Purchaser which would prevent Developer from making available for review by the appraiser(s) and the City such documentation as is reasonably required to determine the full value of all consideration paid by such Independent Purchaser for Reserved Land.

4. Diversity. Developer agrees that from and after the date of this Second Amendment, Developer shall (a) request assurance from each Independent Purchaser (as defined in Exhibit G) and each independent third party to which Developer transfers Reserved Land purchased by Developer (each an "Independent Purchaser") that such Independent Purchaser has adopted, or will adopt, meaningful diversity policies, and (b) provide to Independent Purchasers information necessary to access (i) the City's current registry of certified Minority Business Enterprises ("MBE") and Female Business Enterprises ("FBE") for construction and supply chain needs, and (ii) the services of Employment Connections for human capital needs.

5. Miscellaneous. All capitalized terms not defined in this Amendment shall have the meaning given such terms in the MDA. The MDA, as amended by this Second Amendment, is ratified and affirmed and shall remain in full force and effect. This Second Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument."

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. 496-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS2010-106 with Precision Analytical, Inc. to perform environmental analytical laboratory services in support of environmental programs for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 535-12.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide air and cargo service consulting and advising services, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance, when amended, as follows:

1. In the title, line 5, and in Section 1, line 5, strike "advising" in both places and insert "related".

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. 537-12.

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

An emergency ordinance determining the method of making the public improvement of constructing, reconstructing, and replacing cemetery facilities, buildings, structures and grounds; and authorizing the Director of Public Works to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to design the improvement.

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

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

Ord. No. 563-12.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 621-12.

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 Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on 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. 622-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts for Commercial Revitalization and rebate, grant, and/or loan agreements with Storefront Renovation Program applicants, and to enter into agreements for eligible costs to community development corporations for implementation of the Storefront Renovation and Commercial Revitalization Programs.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on 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. 623-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden 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.

**SECOND READING
ORDINANCES PASSED**

Ord. No. 737-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 746-10.

By Council Members Mitchell and Cleveland.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 747-10.

By Council Member Mitchell.
An ordinance changing the Use, Area and Height Districts of lands on the south side of Central Avenue between E. 79 St. and E. 83 St. to

Multi-Family Residential, a 'C' Area District and a '1' Height District (Map Change No. 2331; Sheet No. 5).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 748-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 749-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 755-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 757-10.

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

Approved by Directors of City Planning Commission, Law; Passage

recommended by Committee on City Planning.

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

Ord. No. 758-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 759-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 760-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 761-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 1225-11.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning, when amended, as follows:

1. In Section 1, strike lines 4, 5, and 6 in their entirety and insert the following: **"of the northerly line of a parcel of land conveyed to Bob Meyers by deed dated September 27, 2005 and recorded in Auditor's File Number 200509271227, said parcel also being known as Cuyahoga County's Permanent Parcel Number 016-04-002; and in line 9, after "southerly along said westerly line" insert "and along its southerly prolongation".**
2. Replace the map attached to the ordinance with the following:



Amendments agreed to.
 The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.
 In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 277-12.
 By Council Members Cummins and Cimperman.
 An ordinance to change the Use, Area and Height Districts of lands fronting on Scranton Road between Parafine Avenue to land south of Barber Avenue to Local Retail, Multi-Family or Two Family, a 'B' Area District and a 1 Height District as shown shaded on the attached map (Map Change No. 2387, Sheet Numbers 1).
 Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.
 The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 278-12.
 By Council Member Cummins.
 An ordinance to change the Use and Area Districts of land fronting on Scranton Road between Wade Avenue and Castle Avenue to Open Space and Recreation, One or Two

Family Residential and an A or B Area District as shown shaded on the attached map (Map Change No. 2389, Sheet Number 1).
 Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.
 The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 279-12.
 By Council Member Cummins.
 An ordinance to change the Use and Height Districts of lands fronting on the east and west sides of Scranton Road near Buhrer Avenue and Kinkel Avenue as shown shaded on the attached map to a Multi-Family Residential District and a 1 Height District (Map Change No. 2388, Sheet Number 1).
 Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 285-12.
 By Council Member Cummins.
 An ordinance establishing a Pedestrian Retail Overlay District (PRO) on land fronting on West 25 Street between Barber Avenue and Library Avenue and To change the Use, Area and Height Districts of land located on the east and west sides of West 25th Street and Clark Avenue to General or Local Retail and Multi-Family, a 'C' Area District and a 2 or a 1 Height District as identified on the attached maps (Map Change No. 2390, Sheet Numbers 1 & 2).
 Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.
 The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

LAI D ON THE TABLE**Ord. No. 249-08.**

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 68th Street to Earl M. Gibbs, Jr.

Ord. No. 601-08.

By Council Member Pierce Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1236 East 100th Street to Glenville Development Corporation.

Ord. No. 1140-08.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 117th Street to Bethel Church of Christ.

Ord. No. 1667-08.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 16324-16328 St. Clair Avenue to Michael M. Ajoury, DBA Arayyees International.

Ord. No. 285-09.

By Council Member Cleveland.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6995 Euclid Avenue, 1977 East 69th Street and 1975 East 69th Street to The NRP Properties, LLC.

Ord. No. 854-09.

By Council Member Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Marquardt Avenue and West 5th Street to Tremont West Development Corporation, Inc. or designee.

Ord. No. 1185-10.

By Council Member Westbrook.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2062 West 98th Street to Cudell Improvement, Inc.

Without objection, Ordinance No. 249-08, Ordinance No. 601-08, Ordinance No. 1140-08, Ordinance No. 1667-08, Ordinance No. 285-09, Ordinance No. 854-09, and Ordinance No. 1185-10 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 249-08, Ordinance No. 601-08, Ordinance No. 1140-08, Ordinance No. 1667-08, Ordinance No. 285-09, Ordinance No. 854-09, and Ordinance No. 1185-10. Laid on the Table.

MOTION

By Council Member Miller, seconded by Council Member Zone and unanimously carried that the absence of Council Member Martin J. Keane, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, May 21, 2012 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 9, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 9, 2012 at 10:38 a.m. with Interim Director Langhenry presiding.

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

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

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

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 184-12.

By Director Dumas.

Whereas, under Board of Control Resolution No. 461-10, adopted November 10, 2010, the Director of Finance, on behalf of the City of Cleveland, entered into City Contract No. 1505-RC2010*179 with Valley National Gases WV LLC for an estimated quantity of welding equipment, supplies and materials, for various divisions of City government; and

Whereas, Board of Control Resolution No. 174-12, adopted April 25, 2012, acknowledging and consenting to the assignment of the contract with Valley National Gases to Matheson Tri-Gas, Inc. inconsistently and incorrectly states the number of the City Contract assigned; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 174-12, adopted by this Board April 25, 2012, acknowledging and consenting to the assignment to Matheson Tri-Gas, Inc. of the above-mentioned contract with Valley National Gases WV LLC for an estimated quantity of welding equipment, supplies and materials,

is amended by substituting "City Contract No. 1505-RC2010*179" for the various contract numbers appearing in the resolution.

Be it further resolved that all other terms of Resolution No. 174-12 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 185-12.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976 and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of April, 2012 in the amount of \$2,233.93, attached and made a part of this resolution is received, approved and ordered filed.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 186-12.

By Director Withers.

Whereas, by Resolution No. 147-12, adopted April 18, 2012, under the authority of Ordinance No. 203-12, passed by the Cleveland City Council on April 9, 2012, this Board selected Hylant Group for a contract to provide fire and extended property coverage insurance for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, Resolution No. 147-12 incorrectly described the loss deductibles for such insurance coverage; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 147-12, adopted by this Board April 18, 2012, under the authority of Ordinance No. 203-12, passed by the Cleveland City Council on April 9, 2012, approving Hylant Group to provide fire and extended property insurance for the Division of Cleveland Public Power, is amended by deleting the second paragraph and substituting the following:

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Hylant Group, based on its proposal dated April 10, 2012, as amended by its letter dated May 3, 2012, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services necessary to provide fire and extended coverage property insurance as described in the proposal for a fee of not to exceed \$495,000 including oil testing and other loss control services, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that all other provisions of Resolution No. 147-12, adopted April 18, 2012, not expressly amended by this resolution shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 187-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by United Survey, Inc. under the Public Improvement by Requirement Contract No. 2012-01 authorized by Board of Control Resolution No. 377-11, adopted August 10, 2011, and Section 129.292 of the Codified Ordinances of Cleveland, Ohio, 1976, for rehabilitating and relining sewers at various citywide locations, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

| | |
|----------------------|-----------------------------------|
| <u>Subcontractor</u> | <u>CSB/MBE/FBE</u> <u>Work</u> |
| Broadway Excavating | None \$40,000.00 (05.85%) |

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 188-12.

By Director Withers.

Whereas, Resolution No. 216-11, adopted May 18, 2011, under the authority of Ordinance No. 138-11, passed January 31, 2011, the City, through its Director of Public Utilities, entered into City Contract No. PS2011-147 with Black & Veatch Corporation for a two-year term starting May 18, 2011 for professional consulting services to assess and develop management strategies, and implement accepted recommendations, including making recommendations regarding management of the Division of Water, Department of Public Utilities, for a fee of \$1,250,000.00 for Phase I; and

Whereas, Black & Veatch completed Phase I services during the first term year of Contract No. PS2011-147; and

Whereas, as part of the Phase I Utilities Management Services, Black & Veatch Corporation developed the project work plan, identifying the specific tasks required to be performed, as Phase II services, to successfully complete the customer care and billing turnaround project; and

Whereas, the City desires to obtain during the second term year commencing on May 18, 2012, as Phase II of the project work plan of the Utilities Management Services under Contract No. PS2011-147, the additional professional consulting services, including extension of the customer care and billing turnaround project for an additional one-year term, necessary for meter read-

ing, customer billing, IT structure and interface, accounts receivables, collections and reporting issues that have developed since the current system went live in September, 2009; and

Whereas, Consultant has proposed by its Phase I Price Proposal dated March 25, 2011 ("Proposal") to perform the above-described additional services for Phase II, for a fee of \$1,250,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a first modification to City Contract No. PS2011-147 with Black & Veatch Corporation, for the additional professional consulting services constituting Phase II of the customer care and billing turnaround project, on the basis of Consultant's March 25, 2011 Proposal, and increasing the contract amount by \$1,250,000.00 to \$2,500,000.00 effective May 18, 2012. The first modification shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to benefit and protect the public interest.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 189-12.

By Director Withers.

Whereas, under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, and Resolution No. 333-10, adopted by this Board of Control on August 11, 2010, the City through its Director of Public Utilities, entered into Contract No. CT-2002-PS2010*222 with Staffing Solutions Enterprises, Inc. to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System by rendering the professional services necessary to provide temporary staffing for, including but not limited to, answering incoming calls; making outgoing calls to customers; addressing customer complaints and/or concerns; handling the heavy telephone call volume; and scheduling appointments to check meters for possible leaks and final meter reads, for a period of 90 days with six options to renew for a one-month period, for the Division of Water, Department of Public Utilities; and

Whereas, under Board of Control Resolution No. 437-10, adopted October 20, 2010, the Director of Public Utilities was authorized to enter into a first modification to Contract No. CT-2002-PS2010*222 to employ up to 10 additional temporary employees; and

Whereas, under Board of Control Resolution No. 188-11 adopted May 4, 2011, the Director of Public Utilities was authorized to enter into a second modification to Contract No. CT-2002-PS2010*222 to extend the term from May 18, 2011 through September 30, 2011 to continue to supplement the regularly employed staff of the several departments of the

City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System; and

Whereas, under Board of Control Resolution No. 390-11, adopted August 17, 2011, the Director of Public Utilities was authorized to enter into a third modification to Contract No. CT-2002-PS2010*222 to extend the term for a period of 31 days from September 30, 2011 through October 31, 2011, with four options to renew for one-month periods through February 26, 2012 to continue to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System; and

Whereas, under Board of Control Resolution No. 81-12, adopted February 22, 2012, the Director of Public Utilities was authorized to enter into a fourth modification to Contract No. CT-2002-PS2010*222 to extend the term from February 26, 2012 through June 1, 2012 to continue to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System; and

Whereas, the City has determined that extending the term of City Contract No. CT-2002-PS2010*222 from June 1, 2012 through August 31, 2012 is needed to continue to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System; and

Whereas, Staffing Solutions Enterprises, Inc. has proposed by its Quotation of Temporary Services dated April 13, 2012 ("Proposal") to perform the above-described services for a fee of \$155,584.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a fifth modification to City Contract No. CT-2002-PS2010*222 with Staffing Solutions Enterprises, Inc., to continue to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System by rendering the professional services necessary to provide temporary staffing for, including but not limited to, answering incoming calls; making outgoing calls to customers; addressing customer complaints and/or concerns; handling the heavy telephone call volume; and scheduling appointments to check meters for possible leaks and final meter reads, from the current expiration of June 1, 2012 through August 31, 2012, on the basis of Staffing Solutions Enterprises' April 13, 2012 proposal, and increasing the contract amount by \$155,584.00 to \$1,551,054.00. The fifth modification shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox,

Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 190-12.

By Director Withers.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Company dba (PEPCO) for an estimated quantity of wire, cable, and accessories, Group A, all items, Group B, all items, Group F, all items, Group G, all items, Group I, all items, Group J, all items, Group K, all items, Group L, all items, Group M, items 1 through 3, and Group N, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon execution of a contract, received on January 19, 2012 under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$11,367,859.50 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or services, which contract shall provide for an initial delivery order, the cost of which shall be certified against the contract in an amount not less than \$571,775.48.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox,

Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 191-12.

By Director Withers.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of RA Strauss Electric Supply Co. for an estimated quantity of wire, cable, and accessories, Group C, all items, Group D, all items, Group E, all items, Group H, all items, and Group N, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon execution of a contract, received on January 19, 2012 under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$448,672.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or services, which contract shall provide for an initial delivery order, the cost of which shall be certified against the contract in an amount not less than \$22,433.60.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 192-12.

By Director Withers.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Phoenix Partners, LLC dba Cleveland Valve & Gauge for an estimated quantity of labor and materials necessary to repair, replace, and maintain various types of valves, actuators and appurtenances (less than 24 inches), items 1-A through 1-F, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on January 20, 2012 under the authority of Ordinance No. 1293-11, passed October 10, 2011, which on the basis of the estimated quantity would amount to \$225,024.00 (1%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in a sum not less than \$11,252.00.

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.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 193-12.

By Director Smith.

Be it resolved under the authority of Ordinance No. 561-11, passed by the Council of the City of Cleveland on July 20, 2011, the firm of Airport Plazas, LLC is selected upon nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the concessionaire to design, construct, manage, operate, maintain, repair and upgrade a gas station and related amenities on selected Cleveland Hopkins International Airport property at or near the northwest corner of Rocky River Drive and Brookpark Road.

Be it further resolved that the Director of Port Control is authorized to enter into a written lease by way of concession with Airport Plazas, LLC for an initial term of thirty years, with one ten-year option to renew, exercisable by the Director of Port Control, subject to City Council approval, at a concession fee of the greater of the following Minimum Annual Guarantee or the Percentage of Gross Revenue for each year of the initial term and option term, as follows:

| Period | Minimum Annual Guarantee | Percentage of Gross Revenue |
|--------------------|---|--|
| Year 1 | \$50,000.00 | Gross c-store, car wash and food revenues: 3% of revenues from \$0 - \$750,000 4% of revenues from \$750,001 - \$1,500,000 5% of revenues over \$1,500,000 All fuel sales from 0 - 1,000,000 gallons \$0.01/gallon All fuel sales above 1,000,000 \$0.015/gallon |
| Year 2 | \$51,500.00 | |
| Year 3 | \$53,045.00 | |
| Year 4 | \$54,636.35 | |
| Year 5 | \$56,275.44 | |
| Years 6 through 40 | Commencing with Year 6, the Minimum Annual Guarantee shall be increased five percent (5%) every five years during the initial term and option term on the anniversary of the Effective Date of the lease. | |

Be it further resolved that the contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 194-12.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 114-12, passed by the Council of the City of Cleveland on April 9, 2012, the Commissioner of Purchases and Supplies is directed to convey two permanent non-exclusive easement interests in public property, more fully described in Ord. No. 114-12, to the Northeast Ohio Regional Sewer District ("NEORS") for the purpose of facilitating its East 55th Floatables Project and providing access to the project site, for the fair market value consideration of One Dollar (\$1.00) and NEORS's obligation to maintain any NEORS improvements in the easement areas and to maintain the existing access roadway.

Be it further resolved that the Commissioner of Purchases and Supplies is requested to execute and deliver the official deeds of easement of the City of Cleveland conveying the easement interests to the NEORS.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 195-12.

By Director Flask.

Whereas, under the authority of Ordinance No. 868-08, passed by the Cleveland City Council on June 9, 2008, the City of Cleveland, through the Director of Public Safety, entered into an agreement with Kronos Incorporated, City Contract No. 69079, for a period of one year with two options to renew for additional one-year periods, for maintenance and technical support services for a time and attendance workforce system, for the Division of Police, Department of Public Safety; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with the software vendor for professional services necessary to implement or maintain the software, including but not limited to, maintenance, repair, upgrade, enhancements, and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Kronos Incorporated to obtain the professional maintenance and technical support services necessary to maintain the timekeeping system, for the Division of Police, for a period of twelve months starting March 5, 2012; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the above-mentioned prospective agreement with Kronos Incorporated is fixed at an amount not to exceed \$55,948.10.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 196-12.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that under the authority of Ordinance No. 1578-11, passed by the Council of the City of Cleveland on December 5, 2011, A Taste of Excellence Catering ("Concessionaire") is selected, on nomination of the Director of Public Works from a list of firms submitting competitive proposals, as the firm to be employed by contract to manage and market the City Hall Rotunda for after business hours and weekend events for a period of 2 years with an option to renew for one additional year. The Director of Public Works is authorized to enter into a concession agreement with the Concessionaire to provide these services at the City Hall Rotunda for a concession fee of 10% of the annual gross revenue during each year of the contract.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 197-12.

By Director Cox.

Whereas, under the authority of Ordinance No. 1591-09, passed by the Cleveland City Council on February 8, 2010, this Board of Control, by its Resolution No. 609-11, adopted December 21, 2011 approved Best Commercial Energy Service, Inc. as the lowest responsible bidder for the Fire Station Infrared Heating Improvements for the Department of Public Works in the aggregate amount of \$308,439.00, and

Whereas, Best Commercial Energy Service, Inc. wishes to use the services of two additional subcontractors; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Best Commercial Energy Service, Inc. for the aforementioned public improvement contract is approved:

Moisture Guard Corp
\$17,600.00 (5.71%)

Work Best Electric
\$20,750.00 (6.73%)

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 198-12.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Granger Trucking Inc., for the estimated quantity of the rental of large capacity trucks with operators, Item #1, for the Division of Streets, Department of Public Works, for a period of 1 year beginning with the date of execution of a contract, received on April 25, 2012, under the authority of Ordinance No. 1504-10, passed December 6, 2010, which on the basis of the estimated quantity would amount to \$405,000.00, is approved as the lowest and best bid, and the Director of Public Works 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 \$20,250.00.

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 against the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Granger Trucking Inc. is approved.

Great Lakes Salt Co LLC
CSB/MBE — \$81,000.00 — 20.00%

Chieftain Trucking
CSB/MBE — \$20,250.00 — 5.00%

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 199-12.

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. 132-14-117 located at 6510 Hosmer Avenue in Ward 12; and

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

Whereas, Polish American Cultural Center in Honor of John Paul II has proposed to the City to purchase and develop the parcel for Cultural Garden; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 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 Polish American Cultural Center in Honor of John Paul II for the sale and development of Permanent Parcel No. 132-14-117 located at 6510 Hosmer Avenue according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 200-12.

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. 016-20-111 (Northerly Portion) located at 3399 West 49th Street in Ward 14; 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, Charles W. Brown has proposed to the City to purchase and develop the Northerly parcel of the yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 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 Charles W. Brown for the sale and development of Permanent Parcel No. 016-20-111 (Northerly Portion) located at 3399 West 49th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for 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, Acting Director Dangerfield, Directors Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 201-12.

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. 016-20-111 (Southerly Portion) located at 3399 West 49th Street in Ward 14; 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, Abraham Vega has proposed to the City to purchase and develop the Southerly parcel of the yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 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 Abraham Vega for the sale and development of Permanent Parcel No. 016-20-111 (Southerly Portion) located at 3399 West 49th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for 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, Acting Director Dangerfield, Directors Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 202-12.

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. 118-14-014 and 118-14-016 located on East 69th Street 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, Midtown Acquisition, LLC has proposed to the City to purchase and develop the parcels for Parking; 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 Midtown Acquisition, LLC for the sale and development of Permanent Parcel Nos. 118-14-014 and 118-14-016 located on East 69th Street, Cleveland, OH. 44103, 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 \$24,000.00, 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, Acting Director Dangerfield, Directors Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

**Resolution 1-2012
CITY OF CLEVELAND CIVIL
SERVICE COMMISSION**

Whereas, this Civil Service Commission has determined that it is necessary to amend the Rules of the Civil Service Commission to include a provision regarding qualifications for the promotional examination for the position of Fire Chief; and

Whereas, under Ohio Revised Code 124.45 promotions shall be by successive ranks as provided in sections 124.46 to 124.49 of the Revised Code and requires that when a vacancy occurs in a promoted rank, other than the promoted rank immediately above the rank of regular fire fighter, no person shall be eligible to take the examination unless the person has served twelve months in the rank from which the promotion is to be made, provided that, in those cases when there are less than two persons in that next lower rank who have served twelve months in that rank and who are willing to take the examination, the twelve-month service requirement shall not apply; and

Whereas, it is the intention of this Civil Service Commission to directly conflict and supersede that rule for the City of Cleveland under our home rule authority to specifically allow Battalion Chiefs as well as Assistant Chiefs to be eligible to take the promotional examination for the position of Fire Chief.

Now, therefore, be it resolved by the Civil Service Commission that this Amendment to the Rules of the Civil Service Commission of the City of Cleveland, Ohio is adopted in accordance with the authority conferred upon the Civil Service Commission of the City of Cleveland, Ohio, under Section 127 of the Charter of the City of Cleveland:

Be it further resolved that all other provisions of the Rules of the Civil Service Commission not expressly amended by this Resolution shall remain unchanged and in full force and effect.

Section 1. Rule 3.45 of the Civil Service Rules is amended as follows:

Rule 3.45 Qualifications for Promotional Examinations

Participation in promotional examinations shall be limited to applicants holding regular appointments in lower classifications as determined by the Commission.

Persons who hold a regular appointment in the rank of Battalion Chief for one (1) year at the time of filing, or Assistant Chief, are allowed to participate in promotional examinations for the position of Fire Chief.

Date of publication in the City Record 5/16/12

Date of public hearing 5/25/12

Date Adopted by the Commission

May 16, 2012

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

TUESDAY, MAY 29, 2012

9:30 A.M.

Calendar No. 12-75: 3806 East 55th Street (Ward 12)

Dale Rodick, owner, appeals to change use of an existing two family residence located on a 35' x 104.74' lot in a B1 Two-Family District, the proposed use being contrary to Section 337.03(a) and first permitted under Section 337.08 in a Multi-Family District; and subject to Section 349.04(a) three accessory off-street parking spaces are required and none are provided; the minimum floor area per residential units is 950 square feet and contrary to Section 355.04(a) a minimum lot area of 3,668 square feet is provided where 7,200 square feet is required; and in the provisions of Section 357.08(b)(1) a rear yard depth is required to equal not less than one-half the height of the main building or 15 feet; and contrary to Section 357.09(2)C, interior side yards of 6'-10" and 7'-5" are provided, where the requirement for interior side yards in a Multi-Family District shall equal one-fourth the height of the main building on the premises but not less than 8 feet according to the Cleveland Codified Ordinances.

Calendar No. 12-76: 2632 East 128th Street (Ward 6)

Mike Majorczyk, owner, appeals to change use of an existing two family residence located on a 40' x 150' lot in a B1 Two-Family District, and the proposed use is contrary to Section 337.03(a) and is first permitted under Section 337.08 in a Multi-Family District; providing a third floor area of 508.5 square feet contrary to Section 355.04(a) that requires a minimum of 950 square feet per residential unit, and a minimum lot area of 6,000 square feet is provided where 7,200 square feet is required; and providing interior side yards of 3 feet contrary to Section 357.09(2)C where the requirement for interior side yards in a Multi-Family District shall equal one-fourth the height of the main building on the premises but not less than 8 feet according to the Cleveland Codified Ordinances.

Calendar No. 12-77: 1111 East 9th Street (Ward 3)

Maria Konstantinou appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from being denied an application by the Cleveland City Council for a Mobile Food Shop to be located at 1111 East 9 Street, according to the notice issued by letter dated April 17, 2012 from the Commissioner of the City of Cleveland Division of Assessments and Licenses.

Calendar No. 12-79: 5709 Bridge Avenue (Ward 15)

Case Development LLC appeals to construct a building with 6 townhomes proposed to be on consolidated parcels located in a B1 Two-Family District; not permitted by the limitations under Section 337.03 and first permitted in a Town Home RA

District under Section 337.031; and contrary to Section 357.04 no front yard is proposed for units 1 through 6 where a front yard of 20 feet is required and under Section 357.15(a) residential buildings in the same lot are required to be 40 feet apart; and contrary to Section 355.04, a maximum gross floor area of 4,760 square feet is proposed and one half the lot area equals 4,056 square feet; and the building height of 42'-5" exceeds the maximum height of 35' that is allowed according to Section 352.02 in the Cleveland Codified Ordinances.

Calendar No. 12-80: 6202 Pear Avenue (Ward 15)

Joshua Klein and Sasha Ottoson-Deal, owners, appeal to keep 4 goats for up to 30 days on a vacant 4,322 square foot lot located in a B1 Two-Family District, contrary to the provisions in Section 347.02(c)(1) that prohibit in residential districts the keeping of goats, pigs, sheep or similar farm animals on a parcel of land less than 24,000 square feet in area; and for a parcel that is at least 24,000 square feet in area, a maximum of 2 such animals may be kept with 1 additional animal permitted for each additional 2,400 square feet of area. The Board of Zoning Appeals by the authority under Section 347.02(m) may vary the regulations as they apply to a particular property, if it determines that such variance from the Cleveland Codified Ordinances is consistent with the purpose of Section 347.02(a) that a variance to permit keeping of farm animals and bees will be in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, MAY 14, 2012

At the meeting of the Board of Zoning Appeals on Monday, May 14, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-70: 15707-15801 St. Clair Avenue

Collinwood/Nottingham Village Development Corporation and DiCiccio & Sons, Inc., owners, and DG Strategic II, LLC, prospective purchaser, appealed to construct a retail store on consolidated parcels in C2 Local Retail Business and B1 Two-Family Districts.

Calendar No. 12-27: 2202 Prame Avenue

Westside Ministries, owner, and Hispanic UMADAOP, prospective tenant, appealed to establish use as a residential drug and alcohol treatment program for 15 patients in Multi-Family and Local Retail Business Districts; subject to conditions.

Calendar No. 12-60: 2619 Vestry Avenue

Cleveland Bricks LLC appealed to erect a one-story frame garage in a B1 Two-Family District.

The following appeal was **DENIED:**

Calendar No. 12-67: 4492 Douse Avenue

Lisa Liuzzo appealed to erect a 15' x 24' two-story frame, reverse gable garage addition to a 21' x 18' gable garage on a corner lot in a B1 Two-Family District.

The following appeals were **WITHDRAWN:**

Calendar No. 12-66: 8220 Carnegie Avenue

PNC Bank appealed to erect two (2) reader board signs 25 feet high to the corner facade of a building in a General Retail Business District.

Calendar No. 12-20: 16820 Lakeshore Boulevard

Abe Tayeh appealed to install an outdoor dining area in front of a restaurant building in a Local Retail Business District.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

None.

The following appeals heard by the Board on May 7, 2012 were adopted and approved on May 14, 2012.

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.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of May 9, 2012

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

* * *

Docket A-301-11.

RE: Appeal of Storer Meat Co., Inc., Owner of the Property, located on the premises known as 3007 Clinton Avenue, from an ABATEMENT ORDER, dated September 12, 2011 of

the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of the violations, the property is REMANDED at this time to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-317-11.

RE: Appeal of Mr. & Mrs. Jesse Davidson, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property located on the premises known as 3147 West 58th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 21, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-317-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-318-11.

RE: Appeal of Mr. & Mrs. Jesse Davidson, Owner of the Two Dwelling Units Two-Family Residence Twp & One-half Story Frame (Front), One Dwelling Unit Single-Family Residence One Story Frame Property (Rear), and One Story Garage - Detached; Wood Frame Property located on the premises known as 3150 West 46th Street (Front/Rear) from a CONDEMNATION ORDER — MAIN STRUCTURES & GARAGE, dated February 17, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-318-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-326-11.

RE: Appeal of Ray Matts, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 4229 Clybourne Avenue from a NOTICE OF VIOLATION — NO PERMIT, dated September 29, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain the required permits and the completion time is at the discretion of the Building Department, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion

so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-328-11.

RE: Appeal of Delano Corday Miller, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3666 East 112th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 11, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to complete abatement of the violations, noting that progress has been made, and that all permits must be obtained within thirty (30) days, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-330-11.

RE: Appeal of Bertha Baker, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 12801 Union Avenue from a VACATE ORDER and CONDEMNATION ORDER — MAIN STRUCTURE, dated September 28, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-330-11 has been POSTPONED; to be rescheduled for June 06, 2012.

* * *

Docket A-331-11.

RE: Appeal of Victor M. Gill, Owner of the One Story Garage - Detached; Masonry Property located on the premises known as 891 East Boulevard from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 14, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-343-11.

RE: Appeal of Denise Houston, Owner of the One Dwelling Unit Single-Family Residence One &

One/half Story Frame Property located on the premises known as 3593 East 143rd Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated July 13, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to complete abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-344-11.

RE: Appeal of Brandon Gregg, Owner of the One Dwelling Unit Single-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 1554 East 85th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated October 24, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of all violations with the garage being the first item, noting the hazard of the unsupported walls, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-345-11.

RE: Appeal of Jeri M. Napue, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 1349 East 111th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 8, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued based upon photographic evidence and testimony by the inspector, noting that no work has been done on the property, the condition of the property, and that restoration of the property is questionable, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

Docket A-346-11.

RE: Appeal of Lois Carpenter, Owner of the Twp Dwelling Units Two-Family Residence Twp & One/half Story Frame Property located on the premises known as 12514 Parkhill Avenue from a NOTICE OF VIOLATION — FIRE DAMAGE, dated May 10, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-346-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-347-11.

RE: Appeal of Robert Metz, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 1956 West 104th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated October 10, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY any request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that no work has been done. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-350-11.

RE: Appeal of Anthony Oakland, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 9609 Columbia Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated September 9, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and to DENY any request for additional time, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the Appellant is not present for the hearing. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-351-11.

RE: Appeal of Maureen McGervey, Owner of the Residential Property located on the premises known as 2131 West 96th Street from a LIMITATION ON THE PERMIT, dated November 7, 2011 of the Director of the Department of Building and Housing, requiring compliance with

the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-351-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-354-11.

RE: Appeal of Dennis J. & Tanal O'Donnell, Owners of the Two Dwelling Units Two-Family Residence Two Story Frame Property and One Story Garage - Detached; Wood Frame Property, located on the premises known as 6107 Denison Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated June 27, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to proceed with the demolition of the property, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-356-11.

RE: Appeal of Rainy Day Real Estate, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 3443 West 54th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 17, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to submit plans for renovation of the property or take other appropriate action, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-357-11.

RE: Appeal of Ohio Conference Assoc. of Seventh Day Adventist, Owner of the A-3 Assembly - Recreation or Religious Facilities Two & One/half Story Masonry Property located on the premises known as 1449 West 58th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 18, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-357-11 has been WITHDRAWN at the request of the Appellant.

Docket A-359-11.

RE: Appeal of Charles Rudolph, Owner of the Residential Property located on the premises known as 18815 Ironwood Avenue from a LIMITATION ON THE PERMIT, dated November 17, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the Appellant is not present for the hearing. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-360-11.

RE: Appeal of Rose Abadi, Owner of the MXD Uses - Multiple Uses In One Building Two & One/half Story Masonry Property located on the premises known as 5725 Broadway Avenue from a NOTICE OF VIOLATION - NO PERMIT, dated October 25, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of the violations by obtaining the proper permit and completing work as necessary, and to allow the gate to remain closed during this period of time. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-361-11.

RE: Appeal of WRRS, LLC C/O Frank Lasky, Owner of the F-1 Factory - Moderate Hazard (Combustibles) Four Story Metal Frame Property, located on the premises known as 16700 St. Clair Avenue (aka 16500, 16600, 16650 St. Clair Avenue) from a NOTICE OF VIOLATION - POOR WORKMANSHIP, dated November 2, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued based on previous hearings and past and present testimony, and that the violations have been abated, the issue is closed with no further action required from the Board. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

Docket A-362-11.

RE: Appeal of David Gundic, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 7625 Dercum Avenue from a NOTICE OF VIOLATION - INTERIOR/EXTERIOR MAINTENANCE, dated October 26, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to correct the electrical problem, clean the grounds and remove any debris or vehicles that are there illegally, four (4) months to complete all exterior violations and three (3) additional months in which to complete all interior violations; failure to meet any of these deadlines will result in the property being REMANDED immediately. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-363-11.

RE: Appeal of Tyrone & Yolanda Daniels, Owners of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 2345 East 90th Street from a NOTICE OF VIOLATION - INTERIOR/EXTERIOR HVAC, dated October 28, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of all violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-364-11.

RE: Appeal of Shaker Holding Co., Owner of the Property, located on the premises known as 1235 Marquette Street, from a NOTICE OF VIOLATION - FIRE CODE, dated November 11, 2011 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete reactivation of the fire suppression system as proposed. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

Docket A-377-11.

RE: Appeal of Sedric Thomas, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 904 Parkwood Drive from a VACATE ORDER, dated November 18, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to grant immediate access to the interior of the property for an inspection to determine suitability of any occupancy by Friday, May 11, 2012, and that permits must be obtained and all violations must be abated within ninety (90) days, failure to meet any of these dates immediately REMANDS the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-72-12.

RE: Appeal of Gail Halfacre & Andrew Halfacre, Owners of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 2173 West 104th Street from a NOTICE OF VIOLATION - EXTERIOR MAINTENANCE, dated March 23, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to abate all violations with the exception of the roof; the Appellant is granted one (1) year to abate the roof violations. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-94-12.

RE: Appeal of Verizon Wireless, Owner of the Property located on the premises known as 1110 West 3rd Street from an ADJUDICATION ORDER, dated April 24, 2012, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances required to permit the temporary site as requested and that future actions by the Board will be at the direction of the Department of Building and Housing. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

AMENDED RESOLUTION:

Docket A-339-11.
Brendan Walton - 5718 Lorain Avenue:

FROM:...to find that based upon the photographic evidence presented and testimony from the neighborhood and inspector that no work has been done, to find that the Violation Notice was properly issued, the appeal for additional time is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action....

TO:...grant the Appellant thirty (30) days in which to obtain all permits and ninety (90) days to complete abatement of all violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action...

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Bradley and seconded by Mr. Maschke for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-295-11 — Ben Stefanski
 - A-307-11 — Ben Stefanski
 - A-311-11 — Nadia Hutchins
 - A-316-11 — Mohamed & Kamel Mosleh
 - A-319-11 — James Spencer III
 - A-320-11 — Charisse Dawson
 - A-322-11 — Christopher Stennis
 - A-323-11 — LRG Development LLC
 - A-324-11 — Jasmine Ganaway
 - A-325-11 — James Kilfoyle
 - A-329-11 — Case Western Reserve University
 - A-333-11 — Real Estate Asset Management
 - A-334-11 — Karla Shim
 - A-339-11 — Brendan Walton (Amended)
 - A-71-12 — Donovan Francis
 - A-91-12 — Joe Sidari
- Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption of the Minutes, as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

April 25, 2012

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

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

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

FRIDAY, JUNE 15, 2012

File No. 63-12 — Extrication and Air Bag System Equipment, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 456-11, passed by the Council of the City of Cleveland, May 9, 2011.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, MAY 30, 2012 AT 10:00 A.M. THE DIVISION OF FIRE, 1645 SUPERIOR AVENUE, BASEMENT FIRE CONFERENCE ROOM, CLEVELAND, OHIO 44114.

May 16, 2012 and May 23, 2012

THURSDAY, JUNE 21, 2012

File No. 64-12 — Residential Sound Insulation Program, Phase II, Continuation Contract A-12-1 (General Construction), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98, 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 22, 2000, respectively.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED

DOLLARS (\$100.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 31, 2012 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 19501 FIVE POINTS ROAD, ENGINEERING BUILDING, BUILDING #206, CLEVELAND, OHIO 44135.

File No. 65-12 — Residential Sound Insulation Program, Phase II, Continuation Contract A-12-2 (HVAC/Electrical Construction), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98, 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 22, 2000, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 31, 2012 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 19501 FIVE POINTS ROAD, ENGINEERING BUILDING, BUILDING #206, CLEVELAND, OHIO 44135.

May 16, 2012 and May 23, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

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 environmental 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.

Adopted May 7, 2012.

Effective May 14, 2012.

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.

Adopted May 7, 2012.

Effective May 14, 2012.

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.

Adopted May 7, 2012.

Effective May 14, 2012, without the signature of the Mayor.

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 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 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.

Adopted May 7, 2012.

Effective May 14, 2012.

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.

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

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

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-

sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cleveland Housing Network or its designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 129-14-091

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. 478 bounded and described as follows:

Beginning at a point in the Westerly line of McKinley Street (now known as East 118 Street) (said Street being 30 feet wide, the Westerly line thereof being parallel with the Easterly line of Rice Avenue, and 528 feet Easterly thereof) 833.85 feet Northerly from the intersection of the Westerly line of East 118th Street with the Northerly line of Buckeye Road, S.E.; thence Westerly parallel with the Northerly line of land conveyed to Joseph Halle and Joshua E. Halle by deed recorded in Volume 201, Page 178 of Cuyahoga County Records, 118 feet; thence Northerly parallel with the Easterly line of Rice Avenue; 35 feet; thence Easterly parallel with the first described line 118 feet to the Westerly line of McKinley Street, thence Southerly along the Westerly Line of McKinley Street, 35 feet to the place of beginning and further known as Sublot No. 85 in the South Woodland-Rice Avenue Allotment of part of Original One Hundred Acre Lot No. 428, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cleveland Housing Network or its designee.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 129-14-056

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. 428 and bounded and described as follows:

Beginning on the Easterly side of East 118th Street, 50-foot wide, (formerly McKinley Street) the Easterly line of which is parallel with the Easterly line of East 116th Street, (formerly Rice Avenue) and 578 feet Easterly therefrom at a point on said line of East 118th Street, 805-49/100 feet Northerly from its intersection with the Northerly line of, Buckeye Road, S.E. (formerly South Woodland Road); thence Easterly parallel with the Northerly line of land conveyed to Joseph Halle and Joshua E. Hall by deed dated April 6, 1872 and recorded in Volume 201, Page 178 of Cuyahoga County Records, 118 feet; thence Northerly parallel with the Easterly line of said East 118th Street, 35 feet; thence Westerly parallel with the Northerly line of land conveyed to said Joseph Halle and Joshua E. Hall, 118 feet to the Easterly line of said East 118th Street; thence Southerly along the Easterly line of East 118th Street, 35 feet to the place of begin-

ning and being further known as Sublot No. 89 in the South Woodland Rice Avenue Proposed Allotment of part of Original One Hundred Acre Lot No. 428, be the same more or less, but subject to all legal highways.

Section 5. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 6. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 7. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 8. 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 May 7, 2012.

Effective May 14, 2012.

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.

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

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

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

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

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

land Housing Network or its designee.

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

P. P. No. 129-14-059

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. 428 and bounded and described as follows:

Beginning on the Easterly line of East 118th Street, 50 feet wide (formerly McKinley Street) the Easterly line of which is parallel with the Easterly line of Rice Avenue and 578 feet Easterly therefrom at a point on said line of East 118th Street (formerly McKinley Street) 685.49 feet Northerly from the intersection with the Northerly line of South Woodland Road, thence Easterly parallel with the Northerly line of land conveyed to Joseph Halle and Joshua E. Hall by deed dated April 6, 1872 and recorded in Volume 201, Page 173 of Cuyahoga County Records, 118 feet, thence Northerly parallel with the Easterly line of said East 118th Street (formerly McKinley Street) 40 feet; thence Westerly parallel with the Northerly line of land conveyed to said Halle and Hall 118 feet to the Easterly line of said East 118th Street (formerly McKinley Street); thence Southerly along said Easterly line of East 118th Street 40 feet to the place of beginning and being further known as Sublot No 92 in the South Woodland Rice Avenue Proposed Allotment of part of Original One Hundred Acre Lot No. 428, be the same more or less, but subject to all legal highways

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed May 7, 2012.

Effective May 14, 2012.

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.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide hosting services and professional services necessary 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.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from funds appropriated in 2012, 2013, and 2014 for this purpose.

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 May 7, 2012.
 Effective May 14, 2012.

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 Tow-

path Trail; and exercise the option to acquire the properties upon the completion of the improvements to the property.

Whereas, the North Cuyahoga Valley, Inc. dba Ohio Canal Corridor ("Ohio Canal Corridor") currently owns 0.6 miles of real estate located along Scranton Road from Carter Road south to University Road, comprising of Permanent Parcel Nos. 004-27-015, 004-27-016, 004-27-018, 004-28-009, 004-28-011, 004-28-012, 004-28-013, and 004-28-014 ("Scranton Peninsula Properties"); and

Whereas, the Ohio Canal Corridor has indicated a desire to donate the Scranton Peninsula Properties to the City for its use in extending the Towpath Trail from the current terminus at the southern border of Cleveland near Cuyahoga Heights to a Canal Basin Park proposed for downtown Cleveland near Settler's Landing (the "Improvement"); and

Whereas, prior to the City acquiring the Scranton Peninsula Properties from the Ohio Canal Corridor, the City desires to enter into a multi-party agreement with The Ohio Cultural Facilities Commission ("OCFC"), Cuyahoga County, the Ohio Canal Corridor, and Cleveland Metroparks, which will, among other things, allow Cuyahoga County to accept grant funding from the OCFC in the amount of \$500,000 to make those portions of the Improvement on the Scranton Peninsula Properties; and

Whereas, once those portions of the Improvement on the Scranton Peninsula Properties are made, the City will exercise its option to acquire the Scranton Peninsula Properties for a price of \$1.00 and other valuable consideration from the Ohio Canal Corridor; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into an Option to Acquire Agreement with Ohio Canal Corridor for 0.6 miles of real estate located along Scranton Road from Carter Road south to University Road on the Scranton Peninsula for the Towpath Trail, comprising of Permanent Parcel Nos. 004-27-015, 004-27-016, 004-28-011, 004-27-018, 004-28-012, 004-28-013, 004-28-009, and 004-28-014, more fully described as follows:

North Cuyahoga Valley Corridor Inc.
 (004-27-015)
 (Parcel Nos. 004-27-016 and 004-28-011 are consolidated into this legal description)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Brooklyn Township Lot 70 and being bounded and described as follows:

Beginning at the intersection of the Northeasterly line of University Road, 60.00 feet wide, and the Easterly line of Scranton Road Southwest, 60.00 feet wide;

Thence North 03 degrees 22 minutes 38 seconds East, along the Easterly line of said Scranton Road Southwest, 110.00 feet to its intersection with the Northeasterly line of a parcel of land conveyed to Scranton-Averell, Inc., by

Volume 11674, Page 493 Cuyahoga County Deed Records, from which point a drill hole found, bears South 03 degrees 22 minutes 38 seconds West, 0.24 feet and South 86 degrees 37 minutes 22 seconds East, 0.07 feet, said point being the principal place of beginning of the parcel herein described;

Thence North 03 degrees 22 minutes 38 seconds East, along the Easterly line of said Scranton Road Southwest, 112.74 feet to an angle point therein;

Thence North 01 degrees 40 minutes 55 seconds West, continuing along the Easterly line of said Scranton Road Southwest, 536.62 feet to its intersection with a Southeasterly line of a parcel of land conveyed to W & M Properties by Deed Volume 88-4307, Page 67 Official Records Cuyahoga County, from which point a "Weiss" pin found bears South 01 degrees 40 minutes 55 seconds East, 0.08 feet and South 88 degrees 19 minutes 05 seconds West, 0.06 feet;

Thence North 48 degrees 58 minutes 36 seconds East along a Southeasterly line of said parcel of land conveyed to W & M Properties, 33.87 feet to a 5/8 inch iron pin with cap set at a point therein;

Thence Southeasterly along the following courses:

South 02 degrees 38 minutes 44 seconds East, 186.48 feet to an angle point;

South 19 degrees 41 minutes 04 seconds East, 129.69 feet to an angle point;

South 49 degrees 24 minutes 06 seconds East, 130.63 feet to an angle point;

South 31 degrees 14 minutes 49 seconds East, 180.52 feet to an angle point;

North 76 degrees 33 minutes 37 seconds East, 65.81 feet to an angle point;

South 27 degrees 34 minutes 15 seconds East, 236.43 feet to an angle point;

Thence South 53 degrees 53 minutes 58 seconds East, 113.40 feet to a 5/8 inch iron pin with cap set at its intersection with the Northwesterly line of a parcel of land conveyed to University-Cuyahoga, Inc., by A.F.N. 200509020967, Official Records Cuyahoga County;

Thence South 25 degrees 34 minutes 12 seconds West, along the Northwesterly line of said parcel of land conveyed to University-Cuyahoga, Inc., 234.02 feet to its intersection with the Northeasterly line of said University Road, from which point a 5/8 inch iron pin found bears North 25 degrees 34 minutes 12 seconds East, 0.06 feet and North 64 degrees 25 minutes 48 seconds West, 0.28 feet;

Thence North 61 degrees 03 minutes 27 seconds West, along the Northeasterly line of said University Road, 30.00 feet to its intersection with a Southeasterly line of a parcel of land conveyed to Scranton-Averell, Inc. by Volume 12333, Page 671 Cuyahoga County Deed Records, from which point a "Weiss" pin found bears, North 61 degrees 03 minutes 27 seconds West, 0.15 feet and South 28 degrees 56 minutes 33 seconds West, 0.13 feet;

Thence North 00 degrees 36 minutes 44 seconds West, along a Southeasterly line of said parcel of land conveyed to Scranton-Averell, Inc., 18.55 feet to a corner thereof, from which point a "Weiss" pin found bears South 00 degrees 36 minutes 44 seconds East, 0.18 feet and South 89 degrees 23 minutes 16 seconds West, 0.12 feet;

Thence North 51 degrees 39 minutes 37 seconds West, along a Northeasterly line of said parcel of land conveyed

to Scranton-Averell, Inc., 70.57 feet to its intersection with a Southeasterly line of the Walworth Sewer, 40.00 feet wide, and being a parcel of land conveyed to the City of Cleveland by Volume 707, Page 580 Cuyahoga County Deed Records, from which point a "Weiss" pin found bears North 51 degrees 39 minutes 37 seconds West, 0.14 feet and South 38 degrees 20 minutes 23 seconds West, 0.03 feet;

Thence North 38 degrees 10 minutes 55 seconds East, along a Southeasterly line of said Walworth Sewer, 53.90 feet to a corner thereof, from which point a "Weiss" pin found bears North 38 degrees 10 minutes 55 seconds East, 0.54 feet and North 51 degrees 49 minutes 05 seconds West, 0.09 feet;

Thence North 51 degrees 20 minutes 43 seconds West, along a Northeasterly line of said Walworth Sewer, 40.00 feet to a corner thereof, from which point a 5/8 inch iron pin found bears South 51 degrees 20 minutes 42 seconds East, 0.02 feet and North 38 degrees 39 minutes 18 seconds East, 0.07 feet;

Thence South 38 degrees 10 minutes 55 seconds West, along a Northwesterly line of said Walworth Sewer, 54.12 feet to its intersection with a Northeasterly line of a parcel of land conveyed to the City of Cleveland, by Volume 3359, Page 261 Cuyahoga County Deed Records, from which point a drill hole found bears South 38 degrees 10 minutes 55 seconds West, 0.06 feet and North 51 degrees 49 minutes 05 seconds West, 0.07 feet;

Thence North 51 degrees 39 minutes 37 seconds West, along a Northeasterly line of said parcel of land conveyed to the City of Cleveland and the Northeasterly line of a parcel of land conveyed to Scranton-Averell, Inc., by Volume 11674, Page 493 Cuyahoga County Deed Records, 398.35 feet to the principal place of beginning and containing 182,282 square feet or 4.1846 acres of land as surveyed by John M. Zaranec Jr. P.S. 7126 for Zaranec Surveying Company dated December 30, 2008.

The courses used in this description are based on the centerline of Scranton Road Southwest as shown by Plat Volume 253, Page 65 Cuyahoga County Map Records.

Excepting therefrom the following described parcel of land called Parcel 735-WDV for CUY-90-14.90 for the Interbelt Bridge, City of Cleveland:

Beginning at the intersection of University Road, 60.00 feet wide at its intersection with the Northwesterly line of a parcel of land conveyed to University-Cuyahoga, Inc., by A.F.N. 200509020967, Official Records Cuyahoga County, from which point a 5/8 inch iron pin found bears North 25 degrees 34 minutes 12 seconds East, 0.06 feet and North 64 degrees 25 minutes 48 seconds West, 0.28 feet;

Thence North 61 degrees 03 minutes 27 seconds West, along the Northeasterly line of said University Road, 30.00 feet to its intersection with a Southeasterly line of a parcel of land conveyed to Scranton-Averell, Inc. by Volume 12333, Page 671 Cuyahoga County Deed Records, from which point a "Weiss" pin found bears, North 61 degrees 03 minutes 27 seconds West, 0.15 feet and South 23 degrees 56 minutes 33 seconds West, 0.13 feet;

Thence North 00 degrees 36 minutes 44 seconds West, along a Southeasterly line of said parcel of land conveyed to Scranton-Averell, Inc., 9.74 feet to a point therein;

Thence northeasterly 40.12 feet along the arc of a curve deflecting to the right to its intersection with the Northwesterly line of said parcel of land conveyed to University-Cuyahoga, Inc., said curve having a radius of 50.00 feet and a chord which bears North 86 degrees 50 minutes 14 seconds East, 39.05 feet;

Thence South 25 degrees 34 minutes 12 seconds West, along the Northwesterly line of said parcel of land conveyed to University-Cuyahoga, Inc., 29.28 feet to the place of beginning and containing 733 square feet or 0.0168 acres of land as calculated and described by John M. Zaranec, Jr. for Zaranec Surveying Co.

Area for Parcel A 182,282 Sq. Ft.
4.1846 Ac.

Exception 733 Sq. Ft.
0.0168 Ac.

Total Revised Parcel A 181,549 Sq. Ft.
4.1678 Ac.

North Cuyahoga Valley Corridor Inc.
Parcel B (004-27-018)
(Parcel Nos. 004-28-012 and 004-28-013
are consolidated into this legal
description)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Brooklyn Township Lot 70 and being bounded and described as follows:

Beginning at the intersection of the Northeasterly line of University Road, 60.00 feet wide, and the Easterly line of Scranton Road Southwest, 60.00 feet wide;

Thence North 03 degrees 22 minutes 38 seconds East, along the Easterly line of said Scranton Road Southwest, 222.74 feet to an angle point therein;

Thence North 01 degrees 40 minutes 55 seconds West, continuing along the Easterly line of said Scranton Road Southwest, 536.62 feet to its intersection with a Southeasterly line of a parcel of land conveyed to W & M Properties by Deed Volume 88-4307, Page 67 Official Records Cuyahoga County, from which point a "Weiss" pin found bears South 01 degrees 40 minutes 55 seconds East, 0.08 feet and South 88 degrees 19 minutes 05 seconds West, 0.06 feet;

Thence North 48 degrees 58 minutes 36 seconds East along a Southeasterly line of said parcel of land conveyed to W & M Properties, 33.87 feet to a 5/8 inch iron pin with cap set at a point therein, said point being the principal place of beginning of the parcel herein described;

Thence North 48 degrees 58 minutes 36 seconds East continuing along a Southeasterly line of said parcel of land conveyed to W & M Properties, 66.13 feet to an angle point therein, from which point a 5/8 inch iron pin found bears South 48 degrees 58 minutes 36 seconds West, 0.08 feet;

Thence North 70 degrees 50 minutes 34 seconds East, continuing along the Southeasterly line of said parcel of land conveyed to W & M Properties, 67.50 feet to an angle point in the dock line as shown by the 1941 City of Cleveland Dock Line Map Thence Southeasterly along the said dock line the following courses:

South 08 degrees 43 minutes 03 seconds East, 139.77 feet to an angle point therein;

South 19 degrees 51 minutes 43 seconds East, 285.77 feet to an angle point therein;

South 27 degrees 34 minutes 15 seconds East, 436.86 feet to an angle point therein;

South 53 degrees 53 minutes 58 seconds East, 105.00 feet to its intersection with the Northwesterly line of a parcel of land conveyed to University-Cuyahoga, Inc., by A.F.N. 200509020967, Official Records Cuyahoga County, from which point a "Weiss" pin found bears South 25 degrees 34 minutes 12 seconds West, 14.63 feet and South 64 degrees 25 minutes 48 seconds East, 0.08 feet;

Thence South 25 degrees 34 minutes 12 seconds West, along the Northwesterly line of said parcel of land conveyed to University-Cuyahoga, Inc., 20.34 feet to a 5/8 inch iron pin with cap set at a point therein;

Thence Northwesterly along the following courses:

North 53 degrees 53 minutes 58 seconds West, 113.40 feet to an angle point;

North 27 degrees 34 minutes 15 seconds West, 236.43 feet to an angle point;

South 76 degrees 33 minutes 37 seconds West, 65.81 feet to an angle point;

North 31 degrees 14 minutes 49 seconds West, 180.52 feet to an angle point;

North 49 degrees 24 minutes 06 seconds West, 130.63 feet to an angle point;

North 19 degrees 41 minutes 04 seconds West, 129.69 feet to an angle point;

Thence North 02 degrees 38 minutes 44 seconds West, 186.48 feet to the principal place of beginning and containing 84,617 square feet or 1.9425 acres of land as surveyed by John M. Zaranec Jr. P.S. 7126 for Zaranec Surveying Company dated December 30, 2008.

The courses used in this description are based on the centerline of Scranton Road Southwest as shown by Plat Volume 253, Page 65 Cuyahoga County Map Records.

Parcel 1 Lot Split

of
Parcel "A" Lot Split
Volume 243, Page 17 C.C.M.R.
(004-28-009)

Situated in Original Brooklyn Township Lot 70 and now in The City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel "A" in Map of Lot Split for Sam T. Scaravelli as recorded by Volume 243, Page 17 Cuyahoga County Map Records and bounded and described as follows:

Beginning at the intersection of the easterly line of Scranton Road, 60.00 feet wide, and the northerly line of a parcel of land conveyed to Riverside Residential Associates, LLC. by AFN 200701240841 Official Records Cuyahoga County from which point a "Weiss" iron pin found bears North 01 degrees 57 minutes 09 seconds West, 0.02 feet and North 88 degrees 02 minutes 51 seconds East, 0.06 feet;

Thence North 01 degrees 57 minutes 09 seconds West along the easterly line of said Scranton Road 863.21 feet to an angle point therein from which point a R.R. Spike found bears North 18 degrees 30 minutes 01 seconds East, 0.28 feet and South 71 degrees 29 minutes 59 seconds East, 0.13 feet;

Thence North 18 degrees 30 minutes 01 seconds East along the easterly line of said Scranton Road 938.80 feet to a Mag Nail set at its intersection with the southerly line of a parcel of

land conveyed to City of Cleveland by Volume 3828, Page 410 Cuyahoga County Deed Records;

Thence South 67 degrees 37 minutes 16 seconds East along the southerly line of said parcel of land conveyed to City of Cleveland 114.74 feet to its intersection with the westerly line of a parcel of land conveyed to The Cleveland Electric Illuminating Company by Volume 15013, Page 433 Cuyahoga County Deed Records from which point a 5/8 inch iron pin found bears South 22 degrees 22 minutes 44 seconds West, 1.65 feet and South 67 degrees 37 minutes 16 seconds East, 0.22 feet;

Thence South 22 degrees 22 minutes 44 seconds West along the westerly line of said parcel of land conveyed to The Cleveland Electric Illuminating Company 34.51 feet to a 5/8 inch iron pin with cap set at the Southwest corner thereof;

Thence South 55 degrees 47 minutes 49 seconds East along the southerly line of said parcel of land conveyed to The Cleveland Electric Illuminating Company 68.00 feet to a 5/8 inch iron pin with cap set therein, said point being 10.00 feet from and perpendicular to the Dock Line as established by City of Cleveland, Sheet 1 of 3 December, 1941;

Thence southerly along a line being 10.00 feet from and perpendicular to said Dock Line the following courses:

South 34 degrees 12 minutes 11 seconds West, 179.19 feet to an angle point therein;

South 23 degrees 08 minutes 38 seconds West, 372.73 feet to an angle point therein;

South 09 degrees 21 minutes 46 seconds East, 476.20 feet to an angle point therein;

South 00 degrees 25 minutes 38 seconds West, 398.20 feet to an angle point therein;

South 11 degrees 22 minutes 51 seconds East, 198.91 feet to its intersection with the northerly line of said parcel of land conveyed to Riverside Residential Associates, LLC.;

Thence South 70 degrees 28 minutes 16 seconds West along the northerly line of said parcel of land conveyed to Riverside Residential Associates, LLC., 5.23 feet to its intersection with the easterly line of a parcel of land conveyed to Cuyahoga County by Probate Court Case 184782, Mary S. Bradford and Jane R. Carter Parcel (D);

Thence North 10 degrees 16 minutes 39 seconds West along the easterly line of said parcel of land conveyed to Cuyahoga County, 32.85 feet to an angle point therein;

Thence North 41 degrees 17 minutes 38 seconds West along the easterly line of said parcel of land conveyed to Cuyahoga County, 61.21 feet to the Northeast corner thereof;

Thence South 48 degrees 42 minutes 22 seconds West along the northerly line of said parcel of land conveyed to Cuyahoga County, 20.00 feet to the Northwest corner thereof;

Thence South 41 degrees 17 minutes 38 seconds East along the westerly line of said parcel of land conveyed to Cuyahoga County, 88.13 feet to its intersection with the northerly line of said parcel of land conveyed to Riverside Residential Associates, LLC.;

Thence South 70 degrees 28 minutes 16 seconds West along the northerly line of said parcel of land conveyed to Riverside Residential Associates, LLC, 48.89 feet to an angle point therein from which point a 5/8 inch iron pin found bears South 41 degrees 17 minutes 38 seconds East, 0.02 feet and

North 48 degrees 42 minutes 22 seconds East, 0.08 feet;

Thence South 48 degrees 42 minutes 22 seconds West along the northerly line of said parcel of land conveyed to Riverside Residential Associates, LLC, 100.00 feet to the place of beginning and containing 207,502 square feet or 4.7636 acres of land according to a survey by John M. Zaranec, Jr. P.S. 7126 for Zaranec Surveying Co. dated December 14, 2009.

The courses used in this description are based on O.M. 1127 and O.M. 1128 NAVD 88.

Parcel 2 Lot Split
of
Parcel "A" Lot Split
Volume 243, Page 17 C.C.M.R.
(004-28-014)

Situated in Original Brooklyn Township Lot 70 and now in The City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel "A" in Map of Lot Split for Sam T. Scaravelli as recorded by Volume 243, Page 17 Cuyahoga County Map Records and bounded and described as follows:

Beginning at a Mag Nail set the intersection of the easterly line of Scranton Road, 60.00 feet wide, with the southerly line of a parcel of land conveyed to City of Cleveland by Volume 3828, Page 410 Cuyahoga County Deed Records;

Thence South 67 degrees 37 minutes 16 seconds East along the southerly line of said parcel of land conveyed to City of Cleveland 114.74 feet to its intersection with the westerly line of a parcel of land conveyed to The Cleveland Electric Illuminating Company by Volume 15013, Page 433 Cuyahoga County Deed Records from which point a 5/8 inch iron pin found bears South 22 degrees 22 minutes 44 seconds West, 1.65 feet and South 67 degrees 37 minutes 16 seconds East, 0.22 feet;

Thence South 22 degrees 22 minutes 44 seconds West along the westerly line of said parcel of land conveyed to The Cleveland Electric Illuminating Company 34.51 feet to a 5/8 inch iron pin with cap set at the Southwest corner thereof;

Thence South 55 degrees 47 minutes 49 seconds East along the southerly line of said parcel of land conveyed to The Cleveland Electric Illuminating Company 68.00 feet to a 5/8 inch iron pin with cap set therein, said point being 10.00 feet from and perpendicular to the Dock Line as established by City of Cleveland, Sheet 1 of 3 December, 1941 and being the principal place of beginning of the parcel herein described;

Thence South 55 degrees 47 minutes 49 seconds East continuing along the southerly line of said parcel of land conveyed to The Cleveland Electric Illuminating Company, 10.00 feet to its intersection with said Dock Line;

Thence southerly along said Dock Line the following courses:

South 34 degrees 12 minutes 11 seconds West, 178.22 feet to an angle point therein;

South 23 degrees 08 minutes 38 seconds West, 370.56 feet to an angle point therein;

South 09 degrees 21 minutes 46 seconds West, 474.21 feet to an angle point therein;

South 00 degrees 25 minutes 38 seconds West, 396.38 feet to an angle point therein;

South 11 degrees 22 minutes 51 seconds East, 196.44 feet to its intersection with the northerly line of a parcel

of land conveyed to Riverside Residential Associates, LLC. by AFN 200701240841 Official Records Cuyahoga County;

Thence South 70 degrees 28 minutes 16 seconds West along the northerly line of said parcel of land conveyed to Riverside Residential Associates, LLC., 10.10 feet to a point therein;

Thence northerly along a line being 10.00 feet from and perpendicular to said Dock Line the following courses:

North 11 degrees 22 minutes 51 seconds West, 198.91 feet to an angle point therein;

North 00 degrees 25 minutes 38 seconds East, 398.20 feet to an angle point therein;

North 09 degrees 21 minutes 46 seconds East, 476.20 feet to an angle point therein;

North 23 degrees 08 minutes 38 seconds East, 372.73 feet to an angle point therein;

North 34 degrees 12 minutes 11 seconds East, 179.19 feet to the principal place of beginning and containing 16,206 square feet or 0.3720 acres of land according to a survey by John M. Zaranec, Jr. P.S. 7126 for Zaranec Surveying Co. dated December 14, 2009.

The courses used in this description are based on O.M. 1127 and O.M. 1128 NAVD 88.

Section 2. That the City's option to acquire Scranton Peninsula Properties shall commence upon execution of an Option to Acquire Agreement signed by the Director of Public Works and Ohio Canal Corridor.

Section 3. That the Option to Acquire Agreement shall be prepared by the Director of Law and contain such terms and conditions determined in accordance with the public interest.

Section 4. That the Director of Public Works is authorized to enter into a multi-party agreement with the OCFC, Cuyahoga County, the Ohio Canal Corridor, and Cleveland Metroparks, which will, among other things, allow Cuyahoga County to apply to the OCFC to receive grant funding in the amount of \$500,000 and allow the County to make those portions of the Improvement on the Scranton Peninsula Properties. Under the multi-party agreement, the grant funds received will be deposited with Cuyahoga County to complete construction of the Towpath Trail. 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 OCFC, 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, RL 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.

Section 5. That, the Director of Public Works is authorized to exercise the option to acquire the Scranton Peninsula Properties under the Option to Acquire Agreement.

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

Passed May 7, 2012.
Effective May 14, 2012.

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.

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

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

Section 1. That the Director of Public Works is authorized to make the following 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, for the Department of Public Works:

Cleveland Public Auditorium

| Option # | Qty. (s.v.) | Unit Cost | Total |
|----------|----------------------------|-----------|----------------------|
| 1 | 837.34 | \$27.07 | \$ 45,589.66 |
| 2 | 810.66 | \$27.07 | 44,131.47 |
| 3A | 202.67 | \$27.07 | 11,033.53 |
| 3B | 677.33 | \$27.07 | 36,872.84 |
| 4 | 181.33 | \$27.07 | 9,874.27 |
| 5A | 191.99 | \$27.07 | 10,448.44 |
| 5B | 191.99 | \$27.07 | 10,448.44 |
| 5C | 191.99 | \$27.07 | 10,448.44 |
| 6A | 277.33 | \$27.07 | 15,095.17 |
| 6B | 277.33 | \$27.07 | \$ 15,095.17 |
| | Subsidiary Additions | | <u>\$ 209,037.43</u> |
| | Subsidiary Additions | | \$209,037.43 |
| | Contingency | | <u>+ 15,962.57</u> |
| | Total Subsidiary Additions | | \$225,000.00 |
| | Original Contract Amount | | \$3,953,500.00 |
| | Total Subsidiary Additions | | <u>+ 225,000.00</u> |
| | REVISED CONTRACT AMOUNT | | \$4,178,500.00 |

which alteration has been recommended in writing by the Director of Public Works, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Works and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$225,000 to be paid from Fund No. 20 SF 509. (RQS 7005, RL 2012-44).

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.

Adopted May 7, 2012.

Effective May 14, 2012.

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.

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

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

Section 1. That the Director of Public Works is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: up to three pickup trucks to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Park Maintenance and Properties, Department of Public Works.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter

into one or more contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. RQS 7012, RL 2012-39.

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 May 7, 2012.

Effective May 14, 2012.

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.

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 apply for and accept a grant in the amount of \$19,600, from Cuyahoga Arts and Culture to conduct the 2012 Mural My Neighborhood Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the 2012 grant agreement for the grant contained in the file described below.

Section 2. That the 2012 grant agreement for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 497-12-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, 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 Works may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts

with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

Passed May 7, 2012.
Effective May 14, 2012.

**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.

Whereas, the Cleveland Downtown Alliance, Tremont West Development Corporation, and the Ohio Department of Transportation have indicated a desire to make gifts to the City of Cleveland of surveillance cameras, appurtenant components, and services, or any combination thereof, to be placed in various locations of the downtown region within the existing Cleveland Shared Security Surveillance Network in 2012 and 2013; and

Whereas, other public or private entities may also desire to make gifts to the City of Cleveland of cash, surveillance cameras, appurtenant components, and services in 2012 and 2013, including installation; and

Whereas, the estimated value for each camera and appurtenant components and services, not including installation, totals approximately \$10,010; and

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

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

Section 1. That the Director of Public Safety is authorized to accept one or more gifts of cash and surveillance cameras, appurtenant components, and services, or any combination thereof, including installation, from Cleveland Downtown Alliance, Tremont West Development, the Ohio Department of Transportation, and other public or private entities, to be placed in various locations of the downtown region within the existing Cleveland Shared Security Surveillance Network in 2012 and 2013. The estimated value for each camera and appurtenant components and services, not including installation, totals approximately \$10,010. The Director is authorized to file any papers necessary to receive any cash donation under this ordinance in 2012 and

2013, and the cash donations are appropriated for the purposes described in this ordinance.

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

Passed May 7, 2012.
Effective May 14, 2012.

**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.

Whereas, division (D) of Section 4973.17 of the Revised Code authorizes the secretary of state, upon application of a hospital that is operated by a public or nonprofit hospital agency that employs and maintains its own proprietary police department or security department, to appoint and commission persons designated by the hospital to act as police officers for the hospital; and

Whereas, the persons appointed as police officers for a hospital shall not engage in any duties or activities as police officers for the hospital unless the requirements set forth in division (D) of Section 4973.17 of the Revised Code are met; and

Whereas, one of the requirements of the statute is that the hospital must enter into a written agreement with the chief of police of the municipal corporation in which the hospital is located to set forth certain standards and criteria governing interaction and cooperation between the hospital and municipal police departments; 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 Chief of Police, with concurrence of the Director of Public Safety, is authorized to enter into an agreement with The MetroHealth System to set forth the standards and criteria to govern the interaction and cooperation between persons appointed as police officers for the hospital under division (D) of Section 4973.17 of the Revised Code and law enforcement officers of the Division of Police. The standards and criteria may include, but are not limited to, provisions governing the reporting of offenses discovered by hospital police officers to the Division of Police, provisions governing investigatory responsibilities relative to offenses committed on hospital property, and provisions governing the processing and confinement of persons arrested for offenses committed on hospital property. The agreement authorized by this ordinance shall contain such

additional provisions as may be needed to protect the interests of the City, in the opinion of the Directors of Law and Public Safety. [RC 4973.17(D)]

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

Passed May 7, 2012.
Effective May 14, 2012.

**Ord. No. 566-12.
By Council Members Brancatelli and Sweeney (by departmental request).**

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

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

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

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

Section 1. That Community Development Block Grant funds in the amount of \$4,725,700 from Fund No. 14 SF 038 and HOME funds in the amount of \$399,000 from Fund No. 19 SF 660 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

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

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

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

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

Passed May 7, 2012.
Effective May 14, 2012.

**Ord. No. 567-12.
By Council Members Brancatelli and Sweeney (by departmental request).**

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

by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up Program.

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

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

Section 1. That Community Development Block Grant funds in the amount of \$845,000 from Fund Nos. 14 SF 038, RQS 8006-RL 2012-0057, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 19 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

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

Section 3. That the Director of Building and Housing is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period for the items of labor and materials necessary to implement the Board-up Program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Building and Housing is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Building and Housing by comparing the bids received for both terms.

Section 4. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

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

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

the funds are appropriated for that purpose.

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

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

Passed May 7, 2012.

Effective May 14, 2012.

**Ord. No. 569-12.
By Council Members Brancatelli and Sweeney (by departmental request).**

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

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

Whereas, the Council of the City of Cleveland has approved the Year 38 Community Development Block Grant Plan which committed funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

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

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

Section 1. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for-profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant CDBG Program and are consistent with the City's Community Development objectives and policies.

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

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

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

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

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

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

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

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately

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

Passed May 7, 2012.
Effective May 14, 2012.

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

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

Whereas, the City of Cleveland has received a Community Develop-

ment Block Grant, Year 38 from the United States Government; and

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

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

Section 1. That Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 038, RQS 8006 RL 2012-0059, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program following the appropriate federal regulations for the Department of Building and Housing, in conjunc-

tion with the Community Development Block Grant Program.

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

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

Passed May 7, 2012.
Effective May 14, 2012.

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.

Passed May 7, 2012.
Effective May 14, 2012.

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.

Passed May 7, 2012.
Effective May 14, 2012.

COUNCIL COMMITTEE MEETINGS

Monday, May 14, 2012
2:00 p.m.

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

Tuesday, May 15, 2012
9:30 a.m.

Community and Economic Development Committee: Present: Brancatelli, Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Dow, Vice Chair.

1:30 p.m.

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

Wednesday, May 16, 2012
9:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cummins, Dow, Mitchell, Zone. *Authorized Absence:* Cleveland, Miller. *Protempore:* Brancatelli.

1:30 p.m.

Public Utilities Committee: Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Miller, Polensek, Pruitt, Westbrook. *Authorized Absence:* Dow.

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