

The City Record

Official Publication of the Council of the City of Cleveland



May the Fourth, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – _____, Commissioner
Water Pollution Control – Ollie Shaw, Commissioner

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

Erievue Plaza

DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue Plaza

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Terrence Ross, Commissioner
Fair Housing and Consumer Affairs Office – _____, Manager
Neighborhood Development – _____, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

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

DEPT. OF 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: John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

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

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

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

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

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

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

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

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

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

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

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

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

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71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, MAY 4, 2011

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CITY COUNCIL

MONDAY, MAY 2, 2011

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PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 2, 2011

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

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, 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 Governmental Affairs, Chris Warren, Chief of Regional Development, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Andrew Watterson, Chief of Sustainability, Natoya J. Walker-Miner, Chief of Public Affairs and Interim Director of Equal Opportunity, Directors Triozzi, Dumas, Withers, Smith, Cox, Wasik, Butler, Rush, Rybka, Southerington, Nichols, Fumich, Brown, Lucille Ambroz, Secretary, Civil Service, and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Darryl Bryant of New Door Praise and Worship Center, 12000 Miles Road, located in Ward 2. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 613-11.
From Director of Department of Aging — Notification of acceptance of a grant in the amount of \$3,200.00

from the Western Reserve Area Agency on Aging (WRAAA) to support the 2011 Medicare Improvements for Patients and Providers Act (MIPPA) Beneficiary Outreach and assistance Program. Received.

File No. 614-11.

From Cleveland Housing Network, Inc. — Emerald Alliance VI at 11529 Buckeye Road (Ward 4) — notification letter as general partner of residential rental development project and utilizing multifamily funding programs of the Ohio Housing Finance Agency (OHIA). Received.

File No. 615-11.

From: Ohio State Senator Michael J. Skindell — Re: acknowledgement receipt of Council Resolution No. 259-11, objecting to the State's decision to adopt Senate Bill 5. Received.

File No. 616-11.

From: Ohio State Senator Michael J. Skindell — Re: acknowledgement receipt of Council Resolution No. 260-11, objecting to the State's decision to close the Northcoast Behavioral Healthcare facility in Cleveland. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 617-11.

Re: #7505402 D4 New Application — Ronndurah Properties, LLC, d.b.a., Prodigy Club / Club Prodigy, 3801 St. Clair Avenue. (Ward 3). Received.

File No. 618-11.

Re: #1852342 D2, D2X, D3, D3A Transfer of Ownership and Location Application — Cream of the Crop, LLC, 2537 Lorain Avenue. (Ward 3). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 619-11—Ethel Dreda Brown.

Res. No. 620-11—Ella Bell Boyd Robinson.

RECOGNITION RESOLUTION

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

Res. No. 621-11—World Tai Chi and Qigong Day.

Res. No. 622-11—Old Brooklyn Connected.

Res. No. 623-11—Councilman Kevin J. Kelley.

WELCOME RESOLUTION

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

Res. No. 624-11—Marie Myers.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 591-11.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the rehabilitation of Woodland Avenue, Phase I; authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a local public agency agreement with the Ohio Department of Transportation to fund and construct the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$4,426,760, from the Ohio Public Works Commission, acting by and through its Director to finance the public improvement of rehabilitating Woodland Avenue, Phase I (the "Improvement"); that the Mayor 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 this ordinance.

Section 2. That the City of Cleveland is obligated to provide cash matching funds in the amount of the local share.

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

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

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

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 5. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 6. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 7. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 8. That the Director of Capital Projects is authorized to enter into a local public agency agreement with the Ohio Department of Transportation to fund and to construct the Improvement.

Section 9. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

Section 10. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 11. That the cost of the contracts, payments, property acquisition, cash match, and other expenditures authorized shall be paid 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 funds to which are credited any proceeds from the sale of 2011 general obligation bonds authorized by Ordinance No. 130-11, passed February 14, 2011, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any

other funds appropriated by the Director of Finance for this purpose.

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

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

Ord. No. 592-11.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the rehabilitation of Cedar Avenue from East 89th Street to Martin Luther King Jr. Boulevard; authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$4,426,760, from the Ohio Public Works Commission, acting by and through its Director to finance the public improvement of rehabilitating Cedar Avenue from East 89th Street to Martin Luther King Jr. Boulevard (the "Improvement"); that the Mayor 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 this ordinance.

Section 2. That the City of Cleveland is obligated to provide cash matching funds in the amount of the local share.

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

The selection of the consultants for the services shall be made by the Board of Control on the nomination of

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

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 5. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 6. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 7. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 8. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

Section 9. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 10. That the cost of the contracts, payments, property acquisition, cash match, and other expenditures authorized shall be paid from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any proceeds from the sale of 2011 general obligation bonds authorized by Ordinance No. 130-11, passed February 14, 2011, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any other funds appropriated by the Director of Finance for this purpose.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

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

Ord. No. 593-11.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the rehabilitation of Madison Avenue from West Boulevard to West 65th Street; authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$4,426,760, from the Ohio Public Works Commission, acting by and through its Director to finance the public improvement of rehabilitating Madison Avenue from West Boulevard to West 65th Street (the "Improvement"); that the Mayor 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 this ordinance.

Section 2. That the City of Cleveland is obligated to provide cash matching funds in the amount of the local share.

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

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

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

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 5. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 6. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 7. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 8. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

Section 9. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 10. That the cost of the contracts, payments, property acquisition, cash match, and other expenditures authorized shall be paid from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any proceeds from the sale of 2011 general obligation bonds authorized by Ordinance No. 130-11, passed February 14, 2011, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any other funds appropriated by the Director of Finance for this purpose.

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

and be in force from and after the earliest period allowed by law.

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

Ord. No. 594-11.

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

An emergency ordinance to amend Section 1 of Resolution No. 205-11, adopted February 14, 2011, relating to the intention to vacate a portion of Lakeside Avenue N.E.

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

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

Section 1. That Section 1 of Resolution No. 205-11, adopted February 14, 2011, is amended to read as follows:

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Partial Vacation 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Lakeside Avenue N.E. (99 feet wide) and being further known as all that space of the Northerly **18.40** feet that lies between a lower horizontal plane, said plane being also beneath the bottom of secondary utility trench of the existing lower exhibit hall **roof** at elevation 605.50 feet above sea level (NAVD 29) and an upper horizontal plane, said plane being also the top of slab of the existing lower exhibit hall at elevation 643.30 feet above sea level (NAVD 29), the Center **57.00** feet that lies between a lower horizontal plane, said plane being also beneath the bottom of mat foundation of the existing lower exhibit hall at elevation 608.50 feet above sea level (NAVD 29) and an upper horizontal plane, said plane being also the **top of inside structural pan** of the existing lower exhibit hall at elevation **638.50** feet above sea level (NAVD 29) and the Southerly **23.60** feet that lies between a lower horizontal plane, said plane being also beneath the bottom of mat foundation of the existing lower exhibit hall at elevation 608.50 feet above sea level (NAVD 29) and an upper horizontal plane, said plane being also the top of slab of the proposed lower exhibit hall at elevation **643.85** feet tapering to 645.00 feet above sea level (NAVD 29) based on National Geodetic Survey Datum, the lateral limits being bounded and described as follows:

Beginning at a stone monument found at the intersection of the center line of Lakeside Avenue N.E. (99 feet wide) with the center line of Ontario Street (99 feet wide); thence North 55°-52'-41" East, along said center line of Lakeside Avenue N.E., a distance of 322.70 feet to a surface elevation of 645.81 feet; thence descending vertically, along the locus of a point, a distance of **7.31** feet to a point in the upper horizontal plane of the Center section at elevation **638.50** feet and the principal place of beginning of the land herein described;

Course 1:

Thence North 34°-07'-19" West, a distance of 49.50 feet to the Northwesterly right of way line of said Lakeside Avenue N.E.;

Course 2:

Thence North 55°-52'-41" East, along said Northwesterly right of way line of Lakeside Avenue N.E., a distance of 489.70 feet;

Course 3:

Thence South 34°-07'-19" East, a distance of 99.00 feet to the Southeastern right of way line of said Lakeside Avenue N.E.;

Course 4:

Thence South 55°-52'-41" West, along said Southeastern right of way line of Lakeside Avenue N.E., a distance of 88.99 feet;

Course 5:

Thence North 34°-07'-19" West, a distance of 17.00 feet;

Course 6:

Thence South 55°-52'-41" West, parallel with said Southeastern right of way line of Lakeside Avenue N.E., a distance of 267.00 feet;

Course 7:

Thence South 34°-07'-19" East, a distance of 17.00 feet to said Southeastern right of way line of Lakeside Avenue N.E.;

Course 8:

Thence South 55°-52'-41" West, along said Southeastern right of way line of Lakeside Avenue N.E., a distance of 133.71 feet;

Course 9:

Thence North 34°-07'-19" West, a distance of 49.50 feet to the principal place of beginning and containing 43,941 Square Feet of land according to a survey made by Thomas J. Neff, Jr. Registered Surveyor No. 7065-Ohio in November of 2010.

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

Partial Vacation 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Lakeside Avenue N.E. (99 feet wide) and is further bounded and described as follows:

Beginning at a stone monument found at the intersection of the center line of Lakeside Avenue N.E. (99 feet wide) with the center line of Ontario Street (99 feet wide). Thence North 55°-52'-41" East, along said center line of Lakeside Avenue N.E., a distance of 49.50 feet. Thence South 34°-03'-06" East, a distance of 49.50 feet to the intersection of the Southeastern right of way line of said Lakeside Avenue N.E. with the Northeastern right of way line of said Ontario Street. Thence North 55°-52'-41" East, along said Southeastern right of way line of Lakeside Avenue N.E., a distance of 406.97 feet to the principal place of beginning of the land herein described;

Course 1:

Thence North 34°-07'-19" West, a distance of 17.00 feet;

Course 2:

Thence North 55°-52'-41" East, parallel with said Southeastern right of way line of Lakeside Avenue N.E., a distance of 267.00 feet;

Course 3:

Thence South 34°-07'-19" East, a distance of 17.00 feet to said Southeastern right of way line of Lakeside Avenue N.E.;

Course 4:

Thence South 55°-52'-41" West, along said Southeastern right of way line of Lakeside Avenue N.E., a distance of 267.00 feet to the principal place of beginning and containing 0.1042 Acres (4,539 Square Feet) of land according to a survey made by Thomas J. Neff, Jr. Registered Surveyor No. 7065-Ohio in November of 2010.

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

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

Section 2. That existing Section 1 of Resolution No. 205-11, adopted February 14, 2011, is repealed.

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

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

Ord. No. 595-11.

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

An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. 68940 for the resurfacing of Woodland Avenue and Kinsman Road with Perk Co., Inc., for the Office of Capital Projects.

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

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

Section 1. That the Director of Capital Projects is authorized to make the following alterations and modifications in Contract No. 68940 with Perk Co., Inc. for the resurfacing of Woodland Avenue and Kinsman Road, for the Office of Capital Projects:

Subsidiary Additions:

Additional various valve adjustments and other waterwork between E. 34th St. and E. 55th St. on Woodland Ave. and E. 55th St. and E. 93rd St. on Kinsman Rd.; various catch basin adjustments and replacements between E. 34th St. and E. 55th St. on Woodland Ave. and E. 55th St. and E. 93rd St. on Kinsman Rd.; and the installation of a five-foot strip of French Grey colored concrete sidewalk in front of the new housing development (Garden Valley Estates) between E. 79th St. and Sidway Ave. on Kinsman Rd. 82

TOTAL SUBSIDIARY ADDITIONS	\$ 124,815.82
Original Contract Amount	\$5,084,423.63
Total Subsidiary Additions	
	+ 124,815.82
REVISED CONTRACT AMOUNT	\$5,209,239.45

which alteration has been recommended in writing by the Director of Capital Projects, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Capital Projects and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$124,815.82 to be paid from Fund Nos. 52 SF 001, 54 SF 001, 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 607, and 20 SF 643, RQS 4004, RL 2011-5.

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

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

Ord. No. 596-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Kronos Incorporated for professional services necessary to maintain the current time and attendance workforce system and software and hardware support, for a period of one year with two one year options to renew, the second 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 enter into one or more contracts with Kronos Incorporated for professional services necessary to maintain the current time and attendance workforce system and software and hardware support on the basis of its proposal dated January 27, 2011, in the total sum of \$56,741.22, for the Department of Public Utilities, for a period of one year with two one year options to renew, the second of which is exercisable through additional legislative authority. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2011-31.

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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 597-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of FAA-approved deicing chemicals, for the various divisions of the Department of Port Control, for a period of two years with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That 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 up to two years, with two one-year options to renew, of the necessary items of FAA-approved deicing chemicals, 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The first of the one-year options to renew shall not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew shall be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 3001, RL 2011-12)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of 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 4. That this ordinance is declared to be an emergency measure

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

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

Ord. No. 598-11.

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

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of large capacity trucks with operators and other equipment with operators for use on airport property, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That 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 the term of two years, with two one-year options to renew, for the necessary items of the rental of large capacity trucks with operators and other equipment with operators for use on airport property, in the approximate amount as procured during the preceding term, procured by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RQN 3001, RL 2011-13)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made

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

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

Ord. No. 599-11.

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

An emergency ordinance to amend various Sections of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted or amended by various ordinances, relating to insurance provisions; and to repeal Section 691.10 of the codified ordinances, as amended by Ordinance No. 338-62, passed April 9, 1962, relating to insurance cancellations for karting parks and saucer tracks.

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.35, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 183.023, as amended by Ordinance No. 2280-82, passed May 6, 1983,

Section 185.26, as amended by Ordinance No. 1236-60, passed June 20, 1960,

Section 387.16, as amended by Ordinance No. 1253-07, passed November 19, 2007,

Sections 3107.07 and 3107.08, as amended by Ordinance No. 1190-04, passed August 11, 2004,

Section 411.01, as amended by Ordinance No. 1170-03, passed July 16, 2003,

Section 439.02, as enacted by Ordinance No. 2743-91, passed December 16, 1991,

Section 443.06, as amended by Ordinance No. 1820-06, passed December 11, 2006,

Section 447.05, as amended by Ordinance No. 2459-A-91, passed December 14, 1992,

Section 510.02, as amended by Ordinance No. 1242-A-07, passed October 8, 2007,

Section 511.11, as amended by Ordinance No. 374-96, passed June 10, 1996,

Section 512.03, as amended by Ordinance No. 392-03, passed September 22, 2003,

Section 512A.03, as amended by Ordinance No. 1521-03, passed September 22, 2003,

Section 513.03, as amended by Ordinance No. 1800-2000, passed March 26, 2001,

Section 680.03, as amended by Ordinance No. 1805-03, passed March 8, 2004, and

Section 695.06, as amended by Ordinance No. 105351, passed December 21, 1936,

are amended to read as follows:

Section 131.35 Rental of Athletic Complexes

(a) The Director of Public Works, or his designee, may rent the Collinwood Athletic Complex, the Morgana Athletic Complex, and any other City of Cleveland athletic complexes, when available, as long as a permit is secured under Section 131.07 and the fees specified in this section are paid.

(b) The Director, or his designee, shall assess and collect the following fees and charges for the rental of Athletic Complexes:

(1) Athletic Complex rental \$2,000.00

(2) If lights are required during any portion of the sporting or athletic event, an additional \$100 per hour will be charged at the time the permit is issued. The City will bill for any additional lighting costs not collected at the time the permit was issued.

(3) Rental of the complex is based on a five-hour period. The City will bill for any additional labor costs for use beyond a five-hour period if those costs were not collected at the time the permit was issued.

(c) In cases where private security services are determined to be necessary by the Director, or his designee, it is the responsibility of the party renting the complex to provide the services, using a security service approved by the Director, or his designee.

(d) Any party renting the complex will be required to provide \$1 million liability and property damage insurance **which includes** the City of Cleveland as an additional insured.

(e) Any party renting the complex will be required to provide emergency medical personnel for any athletic competition.

(f) All proceeds from gate collections will go to the party renting the facility.

(g) All concessions will be operated by the City of Cleveland or its designated vendor.

(h) The Director shall deposit the fees and charges collected for the rental of the complex into the fund or funds designated to pay the costs of the general operation of the complex, the equipment and maintenance costs associated with maintaining the complex, and for improvements to the complex. The funds collected may be used for and are appropriated for these purposes.

(i) After securing the necessary permit under Section 131.07 of these codified ordinances, the Director, or his designee, may allow the Cleveland Muny Football League and the Cleveland Metropolitan School District to rent Athletic Complexes for games, scrimmages, or practices, without being assessed the fees and charges specified in division (b) of this section.

Section 183.023 Lease of Real Property Acquired at Cleveland Hopkins International Airport

(a) When the City acquires real property in the vicinity of Cleveland Hopkins International Airport for runway expansion, clear or approach zone, or other similar airport purposes and, containing habitable residential structures which there is no requirement, reason or authority to demolish, the Director of Port Control may lease such land and structures, subject to all applicable laws and regulations of the United States of Amer-

ica, the State of Ohio, and the City, for such term as the Director may determine and terminable at will by the Director upon sixty (60) days' written notice to the lessee.

(b) A lease authorized hereby shall require the lessee to pay a monthly rent no less than four-tenths of one percent (.4%) of the property acquisition cost, to maintain tenant liability insurance coverage **including** the City as an additional insured, with limits and insurer satisfactory to the Director, and to perform all repairs and maintenance on the structure which the Director previously approves in writing as necessary and appropriate. This shall entitle lessee, upon approval of documentation satisfactory to the Director, to reimbursement of major repair costs by a deduction from the monthly rent.

Section 185.26 Public Liability, Property Damage and Automobile Insurance

(a) The contractor shall take out and maintain during the life of the contract such public liability and property damage insurance, wherein the City is **included** as an additional insured, as shall protect himself, the City and any subcontractor performing work covered by this contract from claims for damages for personal injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be as follows:

Public liability insurance in an amount not less than one hundred thousand dollars (\$100,000) for injuries, including accidental death to any one person, and, subject to the same limit for each person, not less than three hundred thousand dollars (\$300,000) on account of one accident involving injury to more than one person, and property damage insurance in an amount not less than twenty-five thousand dollars (\$25,000).

(b) The following special hazards shall be covered during the life of the contract by riders to the policy above required, or by separate policies of insurance in amounts as follows:

(1) Public liability insurance to cover each automobile, truck or other vehicle used in the performance of the contract in an amount not less than one hundred thousand dollars (\$100,000) on account of injury or death of one person and not less than three hundred thousand dollars (\$300,000) on account of injury or death of two or more persons.

(2) Property damage liability insurance to cover each automobile, truck or other vehicle used in the performance of the contract in an amount not less than twenty-five thousand dollars (\$25,000) in any accident.

(3) Public liability and property damage insurance to cover the use of explosives used in the performance of the contract, in the same limits as set forth in the preceding subsections.

Section 387.16 Insurance

(a) The applicant for a permit under the provisions of this chapter shall take out and maintain during the life of the permit such public liability and property damage insurance as will protect the public from damages for personal injury, including

accidental death, as well as from property damage, that may occur by operations under the permit, whether the operations are by the permit holder or by anyone directly or indirectly employed by the permit holder.

(b) Except as otherwise stated in this chapter, the policy of insurance for all permits under this chapter shall be in an amount not less than \$1 million for injuries and property damage, including accidental death of any one person, and a general aggregate limit in an amount not less than \$5 million. The insurance required can be comprised of a combination of primary insurance and excess insurance. However, insurance for the use, handling, storage, receipt and shipment of explosives for permitted pyrotechnical displays and small arms ammunition must be in an amount not less than \$1 million for injuries, including accidental death to any one person, and a general aggregate limit in an amount not less than \$3 million on account of one accident, and property damage insurance in an amount not less than \$1 million. Each policy of insurance shall **include** the City of Cleveland as an additional insured, and the Certificate of Insurance required in this section in division (c) must designate that the City of Cleveland is an additional insured.

(c) **Each permit applicant shall provide to the Fire Chief** a certificate of insurance, **subject to review** by the Director of Law, prior to the issuance of a permit. A copy of the certificate of insurance may be forwarded and utilized for the permit application review process, but an original must be forwarded to the Division of Fire prior to the issuance of a permit.

Section 3107.07 Qualifications for Certificates of Registration

(a) To obtain or renew a Certificate of Registration as a heating, ventilating or air conditioning contractor, electrical contractor, plumbing contractor, refrigeration contractor, or hydronics contractor, the applicant shall:

(1) Have a valid and unexpired license issued by the Ohio Construction Industry Examining Board as that type of contractor and present proof of that license.

(2) Present proof of the insurance required in the Ohio Revised Code.

(3) Furnish and file with the Director a bond in the penal sum of twenty-five thousand dollars (\$25,000) to be approved as to form by the Director of Law, guaranteeing full and faithful compliance by the applicant with OBC and this Building Code and with pertinent rules and regulations promulgated under it, binding the surety to correct or abate any violation of OBC or this Building Code or of pertinent rules and regulations promulgated under them whenever the applicant for registration, named as the principal on the bond, refuses, neglects or fails to correct or abate the violation within a reasonable time limit set by the Director.

(b) To obtain or renew a Certificate of Registration as a general contractor, which includes sewer builders and demolition contractors, the applicant shall:

(1) Be at least eighteen years of age.

(2) Be a United States citizen.

(3) Maintain contractor's liability insurance, including without limita-

tion, completed operations coverage, in an amount providing for the payment of up to fifty thousand dollars (\$50,000) for one person injured, and up to one hundred thousand dollars (\$100,000) for injury to more than one person in one accident, resulting from doing the work authorized by the Certificate of Registration and up to fifty thousand dollars (\$50,000) for property damage in the course of doing the work authorized by the Certificate of Registration. The City shall be **included** as an additional insured. The insurance shall be issued by an insurance company duly authorized to do business and issue policies of insurance in the State of Ohio. The applicant shall provide proof of this insurance acceptable to the Director.

(4) Furnish and file with the Director a bond in the penal sum of twenty-five thousand dollars (\$25,000) to be approved as to form by the Director of Law, guaranteeing full and faithful compliance by the applicant with OBC and this Building Code and with pertinent rules and regulations promulgated under it, binding the surety to correct or abate any violation of OBC or this Building Code or of pertinent rules and regulations promulgated under them whenever the applicant for registration, named as the principal on the bond, refuses, neglects or fails to correct or abate the violation within a reasonable time limit set by the Director. A general contractor who performs sewer building work or demolition work shall furnish and file a similar bond for each of those types of work.

(5) Not have done any of the following:

A. Been convicted or pleaded guilty to a misdemeanor involving moral turpitude or of any felony less than three years before application for said Certificate of Registration, unless a longer period is established by rules and regulations of the Director of Building and Housing.

B. Obtained or renewed a Certificate of Registration by fraud, misrepresentation or deception.

C. Engaged in fraud, misrepresentation or deception in the conduct of business.

D. Been convicted of repeated violations of the OBC or this Building Code or other laws or ordinances regulating building construction in the City.

E. Been issued repeated violation notices by the Director for violations of the OBC, this Building Code, the Zoning Code or the Housing Code, and failed to correct those notices in a timely fashion.

(c) When an applicant for a Certificate of Registration is a firm or corporation, at least one member of that firm or corporation, shall individually be qualified for registration under the provisions of this section.

Section 3107.08 Qualifications for Limited Certificate of Registration

(a) To obtain or renew a Limited Certificate of Registration for Refrigeration Operator or Fireplace Installer, the applicant shall:

(1) Be at least eighteen years of age.

(2) Be a United States citizen.

(3) Maintain contractor's liability insurance, including without limitation, completed operations coverage, in an amount providing for the payment of up to fifty thousand dollars (\$50,000) for one person injured, and up to one hundred thousand dollars

(\$100,000) for injury to more than one person in one accident, resulting from doing the work authorized by the Certificate of Registration and up to fifty thousand dollars (\$50,000) for property damage in the course of doing the work authorized by the Certificate of Registration. The City shall be **included** as an additional insured. The insurance shall be issued by an insurance company duly authorized to do business and issue policies of insurance in the State of Ohio. The applicant shall provide proof of this insurance acceptable to the Director.

(4) Furnish and file with the Director a bond in the penal sum of twenty-five thousand dollars (\$25,000) to be approved as to form by the Director of Law, guaranteeing full and faithful compliance by the applicant with OBC and this Building Code and with pertinent rules and regulations promulgated under it, binding the surety to correct or abate any violation of OBC or this Building Code or of pertinent rules and regulations promulgated under them whenever the applicant for registration, named as the principal on the bond, refuses, neglects or fails to correct or abate the violation within a reasonable time limit set by the Director.

(5) Not have done any of the following:

A. Been convicted of or pleaded guilty to a misdemeanor involving moral turpitude or of any felony less than three years before application for said Certificate of Registration, unless a longer period is established by rules and regulations of the Director of Building and Housing.

B. Obtained or renewed a Certificate of Registration by fraud, misrepresentation or deception.

C. Engaged in fraud, misrepresentation or deception in the conduct of business.

D. Been convicted of repeated violations of the OBC or this Building Code or other laws or ordinances regulating building construction in the City.

E. Been issued repeated violation notices by the Director for violations of the OBC, this Building Code, the Zoning Code or the Housing Code, and failed to correct those notices in a timely fashion.

(6) If a Limited Certificate of Refrigeration Operator, be the owner or owner's agent of the refrigeration system and be familiar with the operation and maintenance of the refrigeration system.

(b) When an applicant for a Limited Certificate Registration is a firm or corporation, at least one member of that firm or corporation, shall individually be qualified for registration under the provisions of this section.

Section 411.011 Street Obstruction Permits

(a) No person shall place or cause to be placed any object or property so as to obstruct the public's use of any highway, lane, road, street or alley without first obtaining a street obstruction permit from the Director of **Capital Projects**.

(b) An application for a street obstruction permit shall contain the following information:

(1) The name of the applicant;

(2) The location of the proposed obstruction;

(3) The purpose of the obstruction;

(4) The proposed commencement date, time and estimated duration of the obstruction; and

(5) A traffic maintenance plan.

(c) The application shall be accompanied with the fee established from time to time by the Board of Control and evidence of a public liability insurance policy issued by an insurer authorized to transact business in Ohio, in an amount not less than \$1,000,000.00, listing the City of Cleveland as an additional insured.

(d) The Director may deny or revoke a street obstruction permit whenever the Director finds:

(1) The applicant has previously violated the provisions of a street obstruction permit or has submitted materially false or incomplete information on any street obstruction permit application; or

(2) The obstruction would unreasonably interfere with another obstruction for which a permit has been issued; or

(3) The time, place or size of the obstruction would unreasonably interfere with public convenience and safe use of the street;

(4) The obstruction would unreasonably interfere with the movement or service capability of emergency or service vehicles; or

(5) The obstruction would unreasonably interfere with a construction project.

(e) Whoever violates division (a) of this section shall be fined not less than two hundred dollars (\$200.00).

(f) This section shall not apply to any person that has been issued a permit under the following Chapters of the Codified Ordinances:

(1) Chapter 133 relating to special events;

(2) Chapter 411 relating to parades;

(3) Chapter 503 relating to street openings and maintenance; or

(4) Chapter 3109 relating to encroachment permits

Section 439.02 Permits for Overweight and/or Oversize Vehicles, Objects and Structures

(a) The Director of **Capital Projects** may issue permits, upon written application, to move vehicles, objects or structures that are in excess of the weight and/or size limitations specified in this chapter over any street, highway, bridge or culvert, other than a state route. The Director of **Capital Projects** shall issue each permit for a particular vehicle, object or structure to move over a specific route prescribed by the Director.

(b) The Director of **Capital Projects** shall issue permits only for non-divisible loads, unless the Director determines that it would be in the best interests of the safety of the travelling public and the welfare of the transportation system to waive this restriction. As used in this section, "non-divisible" means that which cannot be reduced in size or weight, or which is impractical to divide, or which cannot be so adjusted as to be within the weight and size limitations specified in this chapter and RC 5577.01 to 5577.14.

(c) The Director of **Capital Projects** shall require each permittee to indemnify and save harmless the City of Cleveland with respect to the permittee's activities under the permit. The Director shall further require that the permittee maintain at all times during the term of the permit automobile liability insurance to insure both the permittee, and the City of Cleveland as an additional insured with respect to permittee's activities under the per-

mit, with limits not less than the following:

Bodily injury coverage per person — \$375,000.00

Bodily injury coverage per occurrence — \$375,000.00

Property damage coverage per occurrence — \$375,000.00

In lieu thereof, a single limit policy of automobile liability insurance covering both personal injury and property damage in an amount not less than \$750,000.00 may be substituted.

(d) The Director of **Capital Projects** may impose such additional requirements or conditions for the issuance of a permit under this section as the Director deems necessary for the safety and welfare of the citizens of the City of Cleveland and the travelling public, and to protect the integrity of the streets, highways, bridges and culverts in the City of Cleveland. Such additional requirements or conditions may include the keeping of a log of the number of moves made under the authority of a permit issued pursuant to this section.

(e) The Director of **Capital Projects** may issue such rules and regulations as the Director deems necessary to fulfill the purposes of this section and Section 439.021. Such rules and regulations shall take effect ten (10) days after publication in the City Record.

Section 443.06 Liability Insurance

(a) No person shall operate a public hack or other vehicle kept for hire or permit such to be operated, nor shall any license be issued until the applicant deposits with the Commissioner of Assessments and Licenses the following:

A policy or certificate of liability insurance for each hack for which a license is sought, acceptable to and approved by the Commissioner and the Director of Law with the following limits: \$100,000 per person, \$300,000 per vehicle, and \$100,000 for property damage, or a combined single limit policy of \$300,000. The license shall expire upon the lapse or termination of the policy of insurance.

(b) Such policy of insurance shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon. If at any time, in the judgment of the Commissioner, the policy is not sufficient for any cause, the Commissioner may require the owner of such public hack to replace such policy with another approved by the Commissioner and the Director of Law.

(c) A self-insured retention plan that is equivalent or better, in the judgment of the Commissioner of Assessments and Licenses, than the insurance described in this section may be accepted by the Commissioner in lieu of a policy or certificate of insurance.

Section 447.05 Insurance

(a) No person shall operate a carriage business or a carriage, nor shall any carriage business or carriage license be issued until the applicant deposits with the Commissioner a policy or certificate of liability insurance for each carriage for which a license is sought, acceptable to and approved by the Commissioner and

the Director of Law, insuring the applicant against property damage and personal injury liability in the following amounts: not less than \$500,000.00 for injuries, including accidental death, to any one person, not less than \$1,000,000.00 on account of one occurrence involving injury to more than one person, and \$500,000.00 for property damage. The license shall expire upon the lapse or termination of the policy of insurance.

(b) The policy of insurance required by this section shall contain a provision for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon. If at any time, in the judgment of the Commissioner, the policy is not sufficient for any cause, the Commissioner may require the policy to be replaced with another approved by the Commissioner and the Director of Law.

Section 510.02 Registration of Service Providers that Occupy or Use the Public Right-of-Way for Facilities; Fee

(a) *Registration Required to Occupy Public Right-of-Way.* No Service Provider shall Occupy or Use the Public Right-of-Way without registering with the City prior to commencing to do so.

(b) *Initial Registration Presumed.*

(1) A Service Provider with existing Facilities that lawfully Occupy the Public Right-of-Way on the effective date of this Chapter shall be presumed to have initial registration with the City for its existing Facilities to Occupy or Use the Public Right-of-Way.

(2) Initial presumed registration for Occupancy or Use of the Public Right-of-Way is limited to the Service Provider's existing Facilities on the effective date of this Chapter.

(3) Any Service Provider with presumed initial registration to Occupy or Use the Public Right-of-Way for existing Facilities under this division (b) shall comply with the applicable registration requirements under division (a) of Section 510.03 within ninety (90) days of the effective date of this Chapter.

(c) *Registration to Occupy or Use Public Right-of-Way.*

(1) The following Service Providers shall register with the City to Occupy or Use the Public Right-of-Way on a form provided by the Director. Any Service Provider who:

A. Does not have an existing System or Facilities that lawfully Occupy the Public Right-of-Way on the effective date of this Chapter and desires to Construct a System or Facilities in the Public Right-of-Way; or

B. Has initial presumed registration under division (b) of this section but is planning

1. a Capital Improvement or Reconstruction of existing Facilities; or

2. to Construct an additional System anywhere in the City.

(2) The form for Service Providers to register to Occupy or Use the Public Right-of-Way under this section or under division (a) of Section 510.03 shall contain the following information:

A. The identity, legal status and federal tax identification number of the Service Provider, including all Affiliates of the Service Provider that will Use or Occupy the Public Right-of-Way or are in any way responsible

for Facilities in the Public Right-of-Way.

B. The name, address, telephone number and e-mail address of the local officer, agent or employee responsible for the accuracy of the registration and available at all reasonable times to be notified in case of emergency.

C. A general description of the Services provided or to be provided by the Service Provider over its System or Facilities in the Public Right-of-Way.

D. A description of the type of transmission medium used, or to be used, by the Service Provider to operate a System in the Public Right-of-Way.

E. To the extent available, a description of the Service Provider's existing Facilities in the Public Right-of-Way that generally identifies the location and route of the Facilities in detail acceptable to the Director after consultation with the Service Provider.

F. A preliminary Construction schedule and proposed completion date for all Capital Improvements planned, as of the date of registration, for the twelve (12) month period following the date of registration.

G. If the Service Provider is not a Regulated Service Provider, a description of the Service Provider's access and line extension policies.

H. Evidence that the Service Provider has complied, or will comply, with the insurance requirement contained in division (e) of this section.

I. Evidence that the Service Provider has received authorization from the State, as required by law, to operate a System and provide Services in the City.

J. Other and further information as may reasonably be requested by the Director related to the City's five-year capital plan.

(3) The City shall confirm, in writing, a Service Provider's completed registration to Occupy or Use the Public Right-of-Way within thirty (30) days of the date on which the registration form is filed with the City.

A. Except to the extent prohibited by Federal or state law, the City may withhold or delay confirmation of a Service Provider's completed registration to Occupy or Use the Public Right-of-Way based on the Service Provider's failure to possess the financial, technical and managerial resources necessary to protect the public health, safety and welfare, or for other reasons based on the health, safety and welfare of the City and under Ohio law.

B. If the City withholds or delays a Service Provider's registration to Occupy or Use the Public Right-of-Way, the City shall provide its reasons in writing for withholding or delaying registration, and shall provide any information that the Service Provider may reasonably request necessary for the Service Provider to obtain a completed registration to Occupy or Use the Public Right-of-Way.

(4) The City's registration of a Service Provider to Occupy or Use the Public Right-of-Way shall be in the form of a Right-of-Way Occupancy Certificate which shall specify the specific terms of the City's registration for the Service Provider to Occupy or Use the Public Right-of-Way.

(5) Each Service Provider registering to Occupy or Use the Public Right-

of-Way shall pay a fee as determined by the Director, and approved by the Board of Control, to reimburse the City for its administrative costs related to the registration process as provided in Section 510.07.

(d) *Registration of Service Providers with an Existing Franchise Ordinance or Agreement.* For purposes of this Chapter, a Franchise Ordinance or Agreement shall be deemed registration of the Franchisee's Occupancy or Use of the Public Right-of-Way to the extent described in the Franchise Ordinance or Agreement. The Franchisee's use of the Public Right-of-Way beyond that described in the Franchise Ordinance or Agreement shall require additional registration for the additional Occupancy or Use. Franchisees shall comply with the registration provisions and the Public Right-of-Way Use Regulations to the extent that the provisions of this Chapter do not directly conflict with the Franchise Ordinance or Agreement. If there is a direct conflict between the Franchise Ordinance or Agreement and the provisions of this Chapter, the Franchise Ordinance or Agreement shall control.

(e) *Service Provider Insurance.* Service Providers must secure and maintain, at a minimum, the following liability insurance policies insuring both the Service Provider and the City, and its elected and appointed officers, officials, agents, employees and representatives as additional insureds:

(1) Comprehensive general liability insurance with limits not less than

A. Five Million Dollars (\$5,000,000) for bodily injury or death to each Person;

B. Five Million Dollars (\$5,000,000) for property damage resulting from any one accident; and

C. Five Million Dollars (\$5,000,000) for all other types of liability.

(2) Automobile liability for owned, non-owned and hired vehicles with a limit of Three Million Dollars (\$3,000,000) for each Person and Three Million Dollars (\$3,000,000) for each accident.

(3) Worker's compensation within statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000).

(4) Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than Three Million Dollars (\$3,000,000).

(5) The liability insurance policies required by this section shall be maintained by the Service Provider at all times throughout the period of time during which the Service Provider is Occupying or Using the Public Right-of-Way, or is engaged in the removal of its Facilities.

(6) Not less than 30 days prior to the effective cancellation or termination date of a liability insurance policy required by this section, when the Service Provider has at least 30 days' advance notice of cancellation or termination, or immediately upon receipt of notice if it has less than 30 days' advance notice, the Service Provider shall obtain and furnish to the City replacement insurance policies meeting the requirements of this section, without any lapse in coverage.

(7) Upon written application to, and written approval by, the Director, a

Service Provider with net capitalization of Ten Million Dollars (\$10,000,000) or more may be self-insured; except that all coverages for Workers' Compensation shall be in compliance with State law. No approval for self-insurance shall be given until the Director has made a complete review of the Service Provider's financial ability to provide the self-insurance. As part of the review process, the Director may require, and the self-insurance applicant shall provide financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this Chapter.

(8) Regulated Service Providers shall be exempt from the provisions of division (e) of this section provided that they notify the Director of the name and contact information of an officer or employee in the organization of the Service Provider who is responsible for receiving claims filed against the Service Provider for personal injury or property damage.

(f) *General Indemnification.* Each form for registering to Occupy or Use the Public Right-of-Way, and each annual registration, shall include, to the extent permitted by law, the Service Provider's express undertaking to defend, indemnify and hold the City and its elected and appointed officers, officials, employees, agents, representatives and subcontractors harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Service Provider or its Affiliates, officers, employees, agents, contractors or subcontractors in the Construction, Reconstruction, installation, operation, maintenance, repair or removal of its System or Facilities, and in providing or offering Services over the Facilities or System, whether the acts or omissions are authorized, allowed or prohibited by this Chapter.

Section 511.11 Insurance and Liability

The recipient of an Encroachment Permit for a hospital trailblazer sign shall hold the City harmless from any and all liability, for any reason whatsoever, occasioned upon the installation and use of each such device, other than liability arising from any negligent act or omission which is solely attributable to the City, and shall furnish, at sign owner's expense, such commercial general liability insurance as shall protect the owner and the City from all claims for damage to property or bodily injury, including death, which may arise from operation under the permit or in connection therewith.

Such policy shall include the City as an additional insured, and shall be in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) combined single limit for any injury to persons and/or damage to property.

A certificate of insurance shall be provided to the City with the required application for the Encroachment Permit and the required insurance coverage shall be maintained before and during installation of such device and throughout the period that the permit for the encroachment is in effect.

Section 512.03 Application for Permits

Application for a permit shall be made to the Director in a form established by the Director. Such application shall include, but not be limited to, the following information:

(a) name, phone number and address of applicant;

(b) name and address of the business establishment seeking the temporary public right-of-way occupancy permit;

(c) a description of the proposed area, with photographs, to be occupied by the business sign;

(d) an example of the proposed business sign or a detailed drawing of the business sign complete with dimensions, design details, and plans necessary to determine compliance with the provisions of this Chapter; and

(e) a signed statement that the permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for any claims or damage to property or injury to persons which may be occasioned by the business sign. Permittee shall furnish and maintain such public liability and property damage insurance as will protect permittee and the City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection with it. The insurance shall provide coverage in an amount deemed acceptable by the Director of Law and the Director of **Capital Projects**. The insurance also shall include the City of Cleveland, its officers and employees, as additional insured.

Section 512A.03 Application for Permits

Application for a permit shall be made to the Director in a form established by the Director. Such application shall include, but not be limited to, the following information:

(a) name, phone number and address of applicant;

(b) name and address of the business establishment seeking the permit;

(c) a description of the proposed area, with photographs, to be occupied by the business sign;

(d) a detailed drawing of the retail business sign complete with dimensions, design details, and plans necessary to determine compliance with the provisions of this Chapter; and

(e) a signed statement that the permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for any claims or damage to property or injury to persons which may be occasioned by the business sign. Permittee shall furnish and maintain such public liability and property damage insurance as will protect permittee and the City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection with it. The insurance shall provide coverage in an amount deemed acceptable by the Director of Law and the Director of **Capital Projects**. The insurance also shall include the City of Cleveland, its officers and employees, as **additional insured**.

Section 513.03 Application for Permits

Application for a permit shall be made to the Director in a form deemed appropriate by him. Such application shall include, but not be limited to, the following information:

(a) Name, phone number and address of the applicant;

(b) Name and address of the business establishment seeking the temporary occupancy permit;

(c) A description of the proposed area, with photographs, to be occupied by the outdoor restaurant and the hours and days of operation;

(d) Detailed plans drawn to scale showing the locations, number and arrangement of tables, chairs, and other structures, the location of the pedestrian diverters planned to demarcate the occupied area, the location of the entrance to the establishment, the locations of fire exits or fire escapes, and the nature and location of any existing sidewalk obstructions;

(e) A description of the tables, chairs, pedestrian diverters, and other structures, including information about the composition.

(f) A signed statement that the applicant is the owner of the business establishment immediately adjacent to the proposed area to be occupied by an outdoor restaurant;

(g) A description of the type of food and beverage to be served;

(h) If applicable, a copy of the applicant's liquor permit, expansion permit, and a complete copy of the expansion permit application submitted to the Division of Liquor Control.

(i) Evidence that all required health licenses, including, but not limited to, the license required by section 241.22 of the Codified Ordinances, have been obtained or have been applied for; and

(j) A signed statement that the permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for any claims or damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee and the City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage in an amount of not less than **One Million Dollars (\$1,000,000.00)** on account of an accident involving injuries, including death, to one or more persons and property damage insurance in an amount of not less than **One Million Dollars (\$1,000,000.00)**, or a combined single limit of **One Million Dollars (\$1,000,000.00)** provided however, that this insurance requirement shall not be construed to limit permittee's indemnification obligations to the above-required limits of insurance. Such insurance shall also include the City of Cleveland, its officers and employees, as **additional insured**.

Section 680.03 Notice of Location; Permit Application; Insurance; Renewal; Fee

(a) Before the installation or placement of a newspaper dispensing device within the public right-of-way, the owner of the device shall file a

permit application with the Director containing the following information:

(1) The name, address, and telephone number of the owner;

(2) The name, address, and telephone number of the individual or other person to whom the City shall serve in person or by mail any notice or order required by this chapter;

(3) A sketch and narrative indicating the location and dimensions of each newspaper dispensing device for which permit application is being made, with sufficient detail to enable the Director to verify that the installation and placement of a newspaper dispensing device in accordance with the permit application will meet the criteria contained in Section 680.05.

(b) One application may be submitted to include any number of newspaper dispensing devices and shall be signed by the owner.

(c) A twenty-five dollar (\$25.00) fee for each newspaper dispensing device must accompany the permit application to defray the expenses incident to the administration of the provisions of this chapter.

(d) In addition to submitting the permit application and fee required by divisions (a) and (c) of this section, the owner of a newspaper dispensing device who seeks a permit shall:

(1) provide the Director with the insurance documentation required by division (e) of this section; and

(2) demonstrate to the Director's satisfaction that the device weighs at least one hundred sixty (160) pounds when empty.

(e) The owner of each newspaper dispensing device shall hold the City harmless from any and all liability, for any reason whatsoever, occasioned upon the installation and use of each device, other than liability arising from any negligent act or omission which is solely attributable to the City, and shall furnish, at the owner's expense, commercial **general liability** insurance as shall protect the owner and the City from all claims for damage to property or bodily injury, including death, which may arise from operation under the permit or in connection therewith. The policy shall include the City as an additional insured, shall be in an amount of not less than one hundred thousand dollars (\$100,000) combined single limit for any injury to persons and/or damage to property. A certificate of the insurance shall be provided to the City with the applications referred to in divisions (a) and (h) of this section and **the required insurance coverage** shall be maintained before and during the installation of the device and throughout the period that the permit for the device is in effect.

(f) Permits shall be issued by the Director under Section 680.04. Permits so issued shall be valid for a period of one (1) year, or any portion of a year. Permits shall expire on the last day of April of each year.

(g) The owner must promptly notify the Director in writing of any change in the information required by division (a) of this section. If the owner proposes to change the location of a newspaper dispensing device, a new permit application, together with a twenty-five dollar (\$25.00) fee to defray the expenses incident to the administration of the provisions of this chapter, must be filed prior to the change in location.

(h) Every owner desiring to renew a newspaper dispensing device per-

mit shall file a permit renewal application with the Director containing the information required by division (a) of this section. A permit renewal application must be filed no sooner than forty (40) days prior to the date of expiration of the existing permit and no later than the date of expiration of the existing permit. A twenty-five dollar (\$25.00) fee for each newspaper dispensing device must accompany each permit renewal application to defray the expenses incident to the administration of this chapter.

(i) If the number of permit applications exceed the number of newspaper dispensing devices which may be placed adjacent to each other and which are otherwise permissible under division (a) of Section 680.05, the Director shall determine which of the newspaper dispensing devices comply with the requirement based upon the order in which the permit applications were filed under this section.

Section 695.06 Bond; Liability Insurance

No license shall be issued by the Commissioner of Assessments and Licenses until there has been deposited with the Director of Finance a bond of five thousand dollars (\$5,000) for the benefit of any person or persons who may receive injuries or suffer death by reason of the operation of such shooting gallery, which bond shall be approved by the Director of Law and the Director of Finance; or such applicant may deposit a policy or certificate of liability insurance acceptable to and approved by the Director of Law and the Director of Finance, insuring and indemnifying the applicant in a sum of at least five thousand dollars (\$5,000) for injury or death of one person, and ten thousand dollars (\$10,000) for injury or death of two or more persons in any one accident resulting from the operation of such shooting gallery. **If a cancelled, terminated, or lapsed policy of insurance required by this section is not immediately replaced without any lapse in coverage, the license shall forthwith be cancelled.**

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.35, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 183.023, as amended by Ordinance No. 2280-82, passed May 6, 1983,

Section 185.26, as amended by Ordinance No. 1236-60, passed June 20, 1960,

Section 387.16, as amended by Ordinance No. 1253-07, passed November 19, 2007,

Sections 3107.07 and 3107.08, as amended by Ordinance No. 1190-04, passed August 11, 2004,

Section 411.011, as amended by Ordinance No. 1170-03, passed July 16, 2003,

Section 439.02, as enacted by Ordinance No. 2743-91, passed December 16, 1991,

Section 443.06, as amended by Ordinance No. 1820-06, passed December 11, 2006,

Section 447.05, as amended by Ordinance No. 2459-A-91, passed December 14, 1992,

Section 510.02, as amended by Ordinance No. 1242-A-07, passed October 8, 2007,

Section 511.11, as amended by Ordinance No. 374-96, passed June 10, 1996,

Section 512.03, as amended by Ordinance No. 392-03, passed September 22, 2003,

Section 512A.03, as amended by Ordinance No. 1521-03, passed September 22, 2003,

Section 513.03, as amended by Ordinance No. 1800-2000, passed March 26, 2001,

Section 680.03, as amended by Ordinance No. 1805-03, passed March 8, 2004,

Section 691.10, as amended by Ordinance No. 338-62, passed April 9, 1962; and

Section 695.06, as amended by Ordinance No. 105351, passed December 21, 1936, are repealed.

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

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

**Ord. No. 600-11.
By Council Members Cimperman, K. Johnson and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Greater Cleveland Regional Transit Authority to accept a cash contribution for the purchase and installation of bus shelters to be located on Lorain Avenue and West 25th Street, in connection with the Market Square Park redevelopment.

Whereas, under Ordinance No. 607-10, passed June 7, 2010, the Director of Public Works is authorized to enter into contracts necessary to improve Market Square Park; and

Whereas, the Greater Cleveland Regional Transit Authority wishes to contribute up to \$80,000 towards the purchase and installation of bus shelters in connection with that improvement; and

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

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

Section 1. That the Director of Public Works is authorized to enter into an agreement with the Greater Cleveland Regional Transit Authority to accept up to \$80,000 for the purchase and installation of bus shelters to be located on Lorain Avenue and West 25th Street, in connection with the Market Square Park redevelopment and the cash contribution accepted are appropriated for this purpose and shall be deposited into a fund to be determined by the Director of Finance.

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

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

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

**Ord. No. 601-11.
By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).**

An emergency ordinance giving the Director of Economic Development the authority to consent to the sale of a 525 space parking garage located at 515 Euclid Avenue, as part of the Lower Euclid Avenue Project, owned by AmTrust Real Estate Investments, Inc., formerly known as OSF Properties, Inc.

Whereas, under Ordinance No. 2247-02, passed December 16, 2002, this Council authorized a Tax Increment Financing ("TIF") Agreement between the City and Lower Euclid Avenue, LLC, dated December 20, 2002, and a loan agreement between the City and OSF Properties, Inc., City Contract No. 62681 for the financing of improvements made to construct a 525 space parking garage located at 515 Euclid Avenue as part of the Lower Euclid Avenue Project; and

Whereas, under Bankruptcy Court Case No. 09-21328, AmTrust Real Estate Investments, Inc., formerly known as OSF Properties, Inc., shall sell the parking garage to the successful bidder; and

Whereas, the City agrees to the sale on the condition that the successful bidder assume all obligations under the TIF Agreement and City Contract No. 62681, the loan agreement, and any related document; and

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

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

Section 1. That the Director of Economic Development shall have the authority to consent to the sale of a 525 space parking garage located at 515 Euclid Avenue, as part of the Lower Euclid Avenue Project, owned by AmTrust Real Estate Investments, Inc., formerly known as OSF Properties, Inc. and to sign such other documents as may be reasonably requested to cause the assignment. The parking garage represents the improvements made under Tax Increment Financing Agreement between the City and Lower Euclid Avenue, LLC, dated December 20, 2002, and a loan agreement between the City and OSF Properties, Inc., City Contract No. 62681. The City's consent is on the condition that the successful bidder assume all obligations under that TIF Agreement the loan agreement, and under any related document.

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

Ord. No. 602-11.
By Council Members Pruitt and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants to provide workers' compensation and actuarial services, for a period of one year, with a one-year option to renew, exercisable by the Director of Human Resources.

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 Human Resources 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 depart-

ments of the City of Cleveland in order to provide professional services necessary for a comprehensive workers compensation program, including but not limited to, actuarial and auditing services, disability and account management, preparing reports, scheduling and payment of medical exams, claims settlement, handicap reimbursement, investigations, and filing claims appeals and other duties for a one year period, with a one-year option to renew, exercisable by the Director of Human Resources.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Human Resources from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Human Resources 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 Human Resources, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 01-0402-6320, Request No. RQS 0402, RL 2011-69.

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

Referred to Directors of Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

FIRST READING ORDINANCES REFERRED

Ord. No. 603-11.

By Council Member Dow.

An ordinance to change the Use, Area and Height District of land located on the north and south sides of Hough Avenue between E. 55th Street and E. 75th Street to Multi-Family Residential District, a 'D' Area District and a '2' Height District (Map Change No. 2362, Sheet Numbers 4 & 5).

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

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

Beginning in the centerline of Hough Avenue at its intersection with the centerline of E. 55th Street;

Thence northerly along said centerline of E. 55th Street to its intersection with the westerly prolongation of the centerline of Quimby Avenue;

Thence easterly along said westerly prolongation of said centerline to its intersection with the northerly prolongation of the centerline of vacated e. 56th Place;

Thence southerly along said centerline to its intersection with the westerly prolongation of the centerline of Belvidere Avenue;

Thence easterly along said westerly prolongation of said centerline to its intersection with the centerline of E. 60th Street;

Thence southerly along said centerline and along its southerly prolongation to its intersection with the centerline to its intersection with the centerline of Hough Avenue;

Thence easterly along said centerline of Hough Avenue to its intersection with the centerline of E. 66th Street;

Thence northerly along said centerline of E. 66th Street to its intersection with the centerline of Belvidere Avenue;

Thence easterly along said centerline of Belvidere Avenue to its intersection with the northerly prolongation of the easterly line of Sublot Number 4 W.J. Kinnard Subdivision shown on the recorded plat in Volume 5, Page 28;

Thence southerly along said northerly prolongation of said easterly line and continuing along its southerly prolongation to its intersection with the centerline of Hough Avenue;

Thence easterly along said centerline of Hough Avenue to its intersection with the southerly prolongation of the westerly line of Sublot Number 196 in the Streator & Adams Re-subdivision shown on the recorded plat in Volume 13, Page 6 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation and said westerly line and along its northerly prolongation to its intersection with the centerline of Quimby Avenue;

Thence easterly along said centerline of Quimby Avenue to its intersection with the northerly prolongation of the easterly line thereof;

Thence southerly along said northerly prolongation and said easterly line to its intersection with the northerly line of Sublot 197 in the aforementioned Streator & Adams Re-subdivision;

Thence easterly along said northerly line to its intersection with the easterly line of a parcel of land conveyed to the City of Cleveland by deed dated May 20th 1996 and recorded in Auditor's File Number V96046260041 , said parcel also being known as Cuyahoga County's Permanent Parcel Number 106-15-034;

Thence southerly along said easterly line to its intersection with the northerly line of a parcel of land conveyed to Allen S. Polk III by deed dated September 6th , 1994 and recorded in Auditor's File Number V94485200003, said parcel also being known as Cuyahoga County's Permanent Parcel Number 106-15-033;

Thence easterly along said northerly line to its intersection with the westerly line of a parcel of land conveyed to Rosa L. Marks by deed dated August 19, 2005 and recorded in Auditor's File Number 200508190542, said parcel also being known as Cuyahoga County's Permanent Parcel Number 106-15-031;

Thence northerly along said westerly line to its intersection with the northerly line thereof;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the centerline of E. 71st Street;

Thence southerly along said centerline of E. 71st Street to its intersection with the centerline of Hough Avenue;

Thence easterly along said centerline of Hough Avenue to its intersection with the northerly prolongation of the centerline of E. 75th Street;

Thence southerly along said centerline to its intersection with the easterly prolongation of the southerly line of Sublot Number 4 in the A.C. Yates Subdivision shown on the recorded plat in Volume 21, Page 19 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation of said southerly line and along its westerly prolongation to its intersection with the centerline of E. 73rd Street;

Thence northerly along said centerline of E. 73rd Street to its intersection with the centerline of Hough Avenue;

Thence westerly along said centerline of Hough Avenue to its intersection with the northerly prolongation of the westerly line of Sublot Number 24 in the Thos. Bolton Est. Subdivision shown on the recorded plat in Volume 22, Page 26 of Cuyahoga County Map Records;

Thence southerly along said northerly prolongation and said westerly line to its intersection with a southerly line thereof;

Thence easterly along said southerly line to its intersection with a westerly line thereof;

Thence southerly along said westerly line to its intersection with the northerly line of the Crispus Attucks Development Subdivision shown on the recorded plat in Volume 233, Page 16 of Cuyahoga County Map Records;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the centerline of E. 71st Street;

Thence southerly along said centerline of E. 71st Street to its intersection with the easterly prolongation of the northerly line of the Streator & Adams Re-Subdivision shown on the recorded plat in Volume 13, Page 6 of Cuyahoga County Map Records;

Thence westerly along said northerly line to its intersection with the westerly line of Sublot Number 47 in the Streator & Adams Subdivision shown on the Recorded plat in Volume 4, Page 4 of Cuyahoga County Map Records;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Hough Avenue;

Thence westerly along said centerline of Hough Avenue to its intersection with the centerline of E. 66th Street;

Thence southerly along said centerline of E. 66th Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 6 in the Hodge & Brinsmade Subdivision shown on the recorded plat in Volume 4, Page 3;

Thence westerly along said easterly prolongation of said southerly line to its intersection with the westerly line of Sublot Number 10 in the aforementioned Hodge & Brinsmade Subdivision;

Thence northerly along said westerly line of Sublot Number 10 to its intersection with the southerly line of a parcel of land conveyed to Alexander Guyea by deed dated February 28, 2001 and recorded in Auditor's File Number 200102281070;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of E. 65th Street;

Thence northerly along said centerline of E. 65th Street to its intersection with the centerline of Hough Avenue;

Thence westerly along said centerline of Hough Avenue to its intersection with the northerly prolongation of the centerline of E. 59th Street;

Thence southerly along said northerly prolongation and said centerline to its intersection with the easterly prolongation of the centerline of Perkins Court;

Thence westerly along said easterly prolongation and said centerline to its intersection with the centerline of E. 55th Street;

Thence northerly along said centerline of E. 55th Street to its intersection with the centerline of Hough Avenue and the principal place of beginning.

and as shaded on the attached map is changed to a Multi-Family Residential District, a 'D' Area District and a '2' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2362, Sheet No. 4 & 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

Ord. No. 604-11.**By Council Member Dow.**

An ordinance to change the Use and Area Districts of land located on the north and south sides of Hough Avenue between E. 81st Street and E. 93rd Street to Multi-Family Residential District and a 'C' Area District (Map Change No. 2363, Sheet Numbers 4 & 5).

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

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

Beginning in the centerline of E. 81st Street at its intersection with the centerline of Hough Avenue;

Thence easterly along said centerline of Hough Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 5 in the C. F. Pedrick Subdivision shown on the recorded plat in Volume 5, Page 19 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation of said easterly line to its intersection with the westerly prolongation of the northerly line of Sublot Number 7 in the aforementioned C.F. Pedrick Subdivision;

Thence easterly along said westerly prolongation of said northerly line and along its easterly prolongation to its intersection with the centerline of E. 84th Street;

Thence southerly along said centerline of E. 84th Street and along its southerly prolongation to its intersection with the centerline of Hough Avenue;

Thence easterly and northeasterly along said centerline of Hough Avenue to its intersection with the northerly prolongation of the easterly line of Sublot Number 23 in the Holden & Adams Re-Allotment shown on the recorded plat in Volume 26, Page 24 of Cuyahoga County Map Records;

Thence southeasterly along said northerly prolongation and said easterly line to its intersection with the southerly line thereof;

Thence southwestwesterly along said southerly line and along its westerly prolongation to its intersection with the centerline of E. 90th Street;

Thence northerly along said centerline of E. 90th Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 4 in the aforementioned Holden & Adams Re-Allotment;

Thence southwestwesterly along said easterly prolongation of said southerly line to its intersection with the easterly line of Sublot Number 2 in the aforementioned Holden & Adams Re-Allotment;

Thence southeasterly along said easterly line to its intersection with the southerly line thereof;

Thence southwestwesterly along said southerly line and along its southwestwesterly prolongation to its intersection with the westerly line of Sublot Number 1 in the aforementioned Holden & Adams Re-Allotment;

Thence northerly along said westerly line to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to the City of Cleveland by deed dated February 22, 1985 and recorded in Auditor's File Number V85507390029, said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-09-015;

Thence southwestwesterly along said easterly prolongation of said southerly line and continuing along its southwestwesterly prolongation to its intersection with the centerline of E. 89th Street;

Thence northwesterly along said centerline of E. 89th Street to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to Faizah Suleiman by deed dated September 27, 2002 and recorded in Auditor's File Number 200209271272, said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-024;

Thence southwestwesterly along said easterly prolongation and said southerly line to its intersection with the westerly line thereof;

Thence northerly along said westerly line to its intersection with the southerly line of a parcel of land conveyed to Equal L. Willa G., Marlow Jr. and David Smith by deed dated June 6, 2007 and recorded in Auditor's File Number 200706060328, said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-012;

Thence southwestwesterly along said southerly line and along its southwestwesterly prolongation to its intersection with the centerline of E. 88th Place;

Thence southerly along said centerline of E. 88th Place to its intersection with the northeasterly prolongation of the southerly line of a parcel of land conveyed to Bogdan Krashchenko by deed dated January 10, 2006 and recorded in Auditor's File Number 200601100517; said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-023;

Thence southwestwesterly along said northeasterly prolongation and said southerly line and continuing along its southwestwesterly prolongation to its intersection with the easterly line of a parcel of land conveyed to the City of Cleveland by deed dated August 30, 2005 and recorded in Auditor's File Number 200508300316; said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-066;

Thence northwesterly along said easterly line to its intersection with the northerly line thereof;

Thence southwestwesterly along said northerly line and along its southwestwesterly prolongation to its intersection with the centerline of E. 87th Street;

Thence southerly along said centerline of E. 87th Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 16 in the Heisel & Steward Subdivision shown on the recorded plat in Volume 13, Page 20 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation and said southerly line to its intersection with the southerly line of a parcel of land conveyed to the City of Cleveland by deed dated September 27, 1995 and recorded in Auditor's File Number V95082070056; said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-109;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of E. 86th Street;

Thence northerly and westerly along said centerline of E. 86th Street and along its westerly prolongation to its intersection with the centerline of Crawford Road;

Thence southerly along said centerline of Crawford Road to its intersection with the easterly prolongation of the centerline of Brookline Avenue;

Thence westerly along said centerline of Brookline Avenue and along its westerly prolongation to its intersection with the centerline of E. 82nd Street;

Thence northerly along said centerline of E. 82nd Street to its intersection with the easterly prolongation of the southerly line of J. H. Thorp & L.S. Holden Subdivision shown on the recorded plat in Volume 7, Page 33 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation of said southerly line and along its westerly prolongation to its intersection with the centerline of E. 81st Street;

Thence northerly along said centerline of E. 81st Street and along its northerly prolongation to its intersection with the centerline of Hough Avenue and the principal place of beginning.

and as shaded on the attached map is changed to a Multi-Family Residential District, a 'C' Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2363, Sheet No. 4 & 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 590-11.

By Council Member Cimperman.

An emergency resolution approving the formation of the Market District — Cleveland Business Improvement District as a Special Improvement District in the City; accepting petitions from owners of property in the proposed District; approving the Articles of Incorporation of the Market District Improvement Corporation; approving the initial plan for public services; declaring it necessary to provide for cleaning and maintenance of the public rights-of-way within the Market District — Cleveland Business Improvement District and additional security for the Market District — Cleveland Business Improvement District and other services as set forth in the plan; providing for the assessment of the cost and expense of such work upon benefited property in the Market District — Cleveland Business Improvement District; and declaring an emergency.

Whereas, Chapter 1710 of the Ohio Revised Code (the "Revised Code") authorizes the formation of special improvement districts within the boundaries of a municipality by petition of property owners in a district and approval by the municipi-

ality for the purpose of developing and implementing plans for public improvements and public services that benefit a district; and

Whereas, owners of sixty percent or more of the front footage of property that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement located within the proposed Market District — Cleveland Business Improvement District (the "District") excluding certain property as provided in Section 1710.02(E) of the Revised Code, have signed a petition (the "Petitions") requesting that the City of Cleveland, Ohio (the "City") create the District consisting of a portion of the City in the Ohio City neighborhood, bounded on the North by Jay Avenue and Bridge Avenue; on the South by Chatham Avenue and Lorain Avenue; on the West by West 28th Street and West 26th Place; and on the East along West 24th Street, West 25th Street and Gehring Avenue; and

Whereas, the District is to be governed by the Market District Improvement Corporation (the "Corporation"), an Ohio nonprofit corporation to be formed under Chapters 1702 and 1710 of the Revised Code; and

Whereas, under Section 1710.02(F) of the Revised Code, the petitioners

have proposed an initial plan for public services benefitting all of the District (the "Plan") and have submitted the Plan as part of its petitions proposing creation of the District; and

Whereas, the Petitions, with the Articles of Incorporation of the Corporation (the "Articles") and the Plan, have been filed with the Clerk of Council and the Mayor of the City; and

Whereas, under Section 1710.02(E) of the Revised Code, the Petition, including the Articles of Incorporation, are to be approved or disapproved by resolution of the Council within sixty days of the filing of the Petitions with the City; 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 the Petitions and the Articles referred to in the preambles of this resolution and on file in File No. 590-11-A are approved.

Section 2. That, under Chapter 1710 of the Revised Code, the Petitions and the Articles, there is hereby established in the City a special improvement district to be known as the Market District — Cleveland Business Improvement District, whose boundaries shall be as follows:

MARKET DISTRICT –
CLEVELAND BUSINESS
IMPROVEMENT DISTRICT

Bounded on the North by Jay Avenue and Bridge Avenue; on the South by Chatham Avenue and Lorain Avenue; on the West by West 28th Street and West 26th Place; and on the East along West 24th Street, West 25th Street and Gehring Avenue, all as more particularly described in the Articles of Incorporation on file with the Clerk of Council.

Section 3. That the Plan submitted as part of the Petition placed in the above-mentioned file is approved.

Section 4. That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City to provide additional cleaning and maintenance of the public rights-of-way within the District and additional safety and security services for the District for a five-year period commencing after passage of the ordinance to proceed in this matter.

Section 5. That it is determined that the property contained within the District will be specially benefited by the above described public services and shall be assessed to pay for the cost of the services, calculated based on a combination of a percentage of the tax value of the property assessed and the foot front of the property bounding and abutting upon the improvement.

Section 6. That the Plan placed in the above-mentioned file is approved at an estimated cost of \$125,000.00 for the first year, with three percent (3%) annual increases thereafter, and at a total cost of \$663,639.00.

Section 7. That the entire cost of the Plan in the District be specially assessed in combination of foot front of the property bounding and abutting upon the improvement (sixty-five percent) and percentage of the tax value of the property assessed (thirty-five percent) of the property, as more specifically described in the Plan. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances, the costs incurred in connection with the preparation, levy, and collection of the special assessments, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

Section 8. That the assessments to be levied shall be paid when levied in five annual installments. The first through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2012 through 2016. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Fiscal Officer on or before September 1 of each year, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 9. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

Section 10. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based

on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

Section 11. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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

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

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

Ord. No. 605-11.

By Council Member Cleveland.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Burten, Bell, Carr Development to stretch banners at East 55th and Scovill near East Tech, for the period from May 25, 2011 to June 25, 2011 inclusive, publicizing the Sixth Annual Ward 5 Family 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 Burten, Bell, Carr Development to install, maintain and remove banners at East 55th and Scovill near East Tech east side for the period from May 25, 2011 to June 25, 2011 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. 606-11.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to amend Agreement No. CT0101 – PS2011 – 055 with Sean Balewski for professional services to extend the term through July 15, 2011 and certify additional funds.

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

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

Section 1. That the Clerk of Council is hereby authorized to amend Agreement No. CT0101 – PS2011 – 055 with Sean Balewski for professional services to assist with legislative and various Council matters for Cleveland City Council. The term shall be extended from May 6, 2011 through July 15 2011. Additional funds shall be certified not to exceed \$1,500.00 from fund number 01, subfund 001, account 6320.

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

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

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

Ord. No. 607-11.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Detroit Shoreway Community Development Organization to stretch a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard, for the period from June 15, 2011 to July 14, 2011, inclusive, publicizing the Gordon Square Farmers' Market.

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 Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and

north of Franklin Boulevard for the period from June 15, 2011 to July 14, 2011, 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.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 608-11.

By Council Members Sweeney and Cleveland.

An emergency resolution supporting Space Laboratory Associates, a joint non-profit entity of Universities Space Research Association and Battelle, in efforts to gain NASA approval of their headquarters in Cleveland to manage the International Space Station National Laboratory.

Whereas, NASA is considering Cleveland as the site of a new non-profit, Space Laboratory Associates (SLA) that would manage scientific and commercial testing on the International Space Station National Laboratory (ISS NL); and

Whereas, the Greater Cleveland Partnership (GCP) is working in partnership with Team NEO and several other Northeast Ohio organizations to gain NASA approval for SLA, a joint non-profit entity of Universities Space Research Association (USRA) and Battelle, to be headquartered in Cleveland to manage the ISS NL for ten years; and

Whereas, NASA's selection of SLA and Northeast Ohio as a headquarters location will greatly assist management of the ISS NL for four primary reasons: 1) business, research, and education climate, 2) regional expertise in microgravity research and space operations, 3) promotion of STEM Education, and 4) state and local commitment; and

Whereas, first, Northeast Ohio has an outstanding business climate for entrepreneurial, research-oriented organizations that thrive using our proposed "Research to Application" approach; and

Whereas, the region has the "economic ecosystem," which networks together major research universities, with nonprofit research centers with extensive business assets poised to move quickly on commercialization in key research areas

and industry sectors that include medicine and life sciences, advanced materials and advanced energy, and agriculture; and

Whereas, this is the environment required to translate ISS NL research into applications that will deliver real economic and societal value to the Nation; and

Whereas, second, Northeast Ohio has a strong base of knowledge and experience in microgravity research and space operations that few other regions in the country possess that SLA will capitalize on to grow the ISS NL program, substantially over the coming decade; and

Whereas, third, Ohio is leading the charge on STEM education and has made nationally-recognized progress, and Cleveland organizations have committed to contributing directly to STEM education associated with the ISS NL, both regionally and nationally; and

Whereas, this includes the new Great Lakes Science Center, the official site of the NASA Glenn Visitor Center, which just completed Phase I and anticipates completing the second phase in 2012 featuring major exhibits dedicated to ISS and the National Laboratory; and

Whereas, the Great Lakes Science Center has also committed to advancing the connectivity of STEM for ISS, nationally, through its active board position with the American Science and Technology Centers (ASTC), a professional organization of over 250 science centers worldwide; and

Whereas, lastly, recognizing the large potential economic impact of the ISS NL headquarters being located in Northeast Ohio, the Ohio Department of Development, the City of Cleveland, Cuyahoga County, and other civic economic development entities in Ohio have demonstrated strong support for our proposal to NASA; and

Whereas, the regions commitment to provide more than \$6 million in financial and in-kind support for the ISS NL significantly strengthens the ability of SLA to manage the ISS NL program; and

Whereas, if NASA selects the Cleveland-based proposal next month, SLA will build headquarters at 7000 Euclid Avenue, in Ward 5 near the Cleveland Clinic and University Hospitals, and next to the 128,000-square-foot MidTown Tech Park now under construction at East 69th Street between Euclid and Carnegie Avenues; and

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

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

Section 1. That this Council supports Space Laboratory Associates, a joint non-profit entity of Universities Space Research Association and Battelle, in efforts to gain NASA approval of their headquarters in Cleveland to manage the International Space Station National Laboratory.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to The Honorable Charles F. Bolden, Jr., Administrator, National Aeronautics and Space Administration, Cooperative Agreement Notice NNH11SOMD002C, Martin McGann,

Vice President, State and Local Government Affairs, Greater Cleveland Partnership, and Jay Foran, Team NEO.

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

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

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

Res. No. 609-11.

By Council Member Dow. An emergency resolution withdrawing objection to a New C2 Liquor Permit at 7909 Superior Avenue and repealing Resolution No. 511-11, objecting to said permit.

Whereas, this Council objected to a New C2 Liquor Permit to 7909 Superior Avenue by Resolution No. 511-11 adopted by the Council on April 11, 2011; and

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

Whereas, this resolution constitutes an emergency measure 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 New C2 Liquor Permit to Enam 79th, Inc., 7909 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 2509200, be and the same is hereby withdrawn and Resolution No. 511-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 610-11.

By Council Member Kelley. An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 4693 State Road, 1st floor and basement front, and repealing Resolution No. 964-10 objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 4693 State Road by Resolution No. 964-10 adopted by the Council on July 14, 2010; and

Whereas, this Council wishes to withdraw its objection to the above

renewal and consents to said renewal; and

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

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

Section 1. That objection to a D2, D2X, D3 and D3A Liquor Permit to Nicetime, Inc., DBA Dirty Dog, 4693 State Road, 1st floor and basement front, Cleveland, Ohio 44109, Permanent Number 6381965 the same is hereby withdrawn and Resolution No. 964-10 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. 611-11.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 16816 Lake Shore Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Lake Shore Cocktails, LLC, 16826 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600 to 169, LLC, 16826 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 6548378; 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 D5 Liquor Permit from Lake Shore Cocktails, LLC, 16826 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600 to 169, LLC, 16826 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 6548378; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 612-11.

By Council Member Polensek.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 16826 Lakeshore Boulevard, and repealing Resolution No. 1178-10 objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 16826 Lakeshore Boulevard by Resolution No. 1178-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Lake Shore Cocktails, LLC, 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600 the same is hereby withdrawn and Resolution No. 1178-10 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. 242-11.

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

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

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, 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. 256-11.

By Council Member Conwell.

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

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

1. In Section 2, at the end, add the following new legal description:

"P. P. No. 110-01-059

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. 363 and bounded and described as follows:

Beginning at a point on the Easterly line of Lakeview Road, N.E., distant South 7° 24' 58" East, 131.35 feet (measured along said Easterly line of Lake View Road, N.E.) from its intersection with the Southerly line of St. Clair Avenue, N.E.; thence North 82° 35' 02" East 100 feet and at right angles with said Easterly line of Lake View Road, N.E., thence South 7° 24' 58" East 58.50 feet; thence South 82° 35' 02" West, 100 feet to the Easterly line of said Lake View Road, N.E.; thence North 7° 24' 58" West along said Easterly line of Lake View Road, N.E., 58.50 feet to the place of beginning, be the same more or less, but subject to all legal highways."

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. 323-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical parts and equipment, including labor, materials, and installation if necessary, to maintain, repair, and modify electrical systems, for the various divisions of the Department of Port Control, 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.

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

Ord. No. 450-11.

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

An emergency ordinance authorizing the Director of Port Control to amend Contract No. 24675 between the City of Cleveland and Corporate Wings Hopkins LLC, dba Atlantic Aviation to extend the term of their lease for an additional ten years, with one five-year option to renew, exercisable through additional legislative authority; and to issue rent credits for improvements made to the leased premises.

Approved by Directors 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. 503-11.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69360 with Champlain Enterprises, Inc. dba CommutAir to provide for the use and occupancy of hangar space known as Bay 3 of the Primary Hangar and adjacent ramp space at Cleveland Hopkins International Airport.

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.

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 224-11.

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

An emergency resolution declaring the intent to vacate Radio Lane N.E.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

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

MOTION

By Council Member Cummins, seconded by Council Member K. Johnson and unanimously carried that the absence of Council Member Zachary Reed, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:45 p.m. to meet on Monday, May 9, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 27, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 27, 2011, at 10:58 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Others: James E. Hardy, Commissioner, Purchases and Supplies. Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

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

Resolution No. 175-11.

By Directors Wasik and Rush.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Fabrizi Trucking and Paving Co., Inc. for the public improvement of Morgana Run Subdivision, Phase I (East 71st Street and East 72nd Street, Aetna Road and Union Avenue), all items, for the Office of Capital Projects and the Department of Community Development, received on March 3, 2011, under the authority of Ordinance No. 1201-10, passed by Cleveland City Council on November 22, 2010, upon a unit price basis for the improvement, in the aggregate amount of \$1,977,157.60, is affirmed and approved as the lowest responsible bid, and the Directors of Capital Projects and Community Development are authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following sub-

contractors by Fabrizi Trucking and Paving Co., Inc. for the above-mentioned public improvement is approved:

Tech Ready Mix
(CSB/MBE) — \$250,000.00 (12.64%)

Trafftech, Inc.
(CSB) — \$200,000.00 (10.12%)

Perk Co., Inc.
(CSB) — \$150,000.00 (7.59%)

Friedel Trucking, Co. Inc.
(CSB/MBE) — \$50,000.00 (2.53%)

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 176-11.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Marous Brothers Construction, Inc., for the public improvement of constructing a maintenance yard wash-out pit and the installation of an oil water separator at Cleveland Hopkins International Airport, base bid items plus 10% contingency, for the Department of Port Control, received on January 12, 2011 under the authority of Ordinance No. 904-09, passed by the Council of the City of Cleveland on November 9, 2009, for a gross price for the improvement, in the aggregate amount of \$386,375.00, is affirmed and approved as the lowest responsible bid; and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subcontractors by Marous Brothers Construction, Inc., is approved:

Subcontractor	CSB/MBE/FBE %	Amount
Granger Trucking, Inc.	7.76% CSB/MBE	\$30,000.00
Ballast Construction, Inc. d/b/a Ballast Fence	8.92% CSB/FBE	\$34,500.00
Cunningham Paving Co.	1.55% CSB	\$ 6,000.00
Bradley Construction Co., Inc.	17.21% CSB/MBE	\$66,500.00

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 177-11.

By Director Flask.

Whereas, under the authority of Ordinance No. 686-08, 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 the 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 time and attendance workforce system, for a period of twelve months starting March 5, 2010; 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 \$51,721.72.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 178-11.

By Director Flask.

Whereas, under the authority of Ordinance Number 455-10, passed by Cleveland City Council on May 10, 2010, the Director of Public Safety is authorized to fix fees to provide emergency medical services within the Village of Linndale, Ohio, in the amount as the Director deems appropriate, and as approved by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that under the authority of Ordinance Number 455-10, passed by Cleveland City Council on May 10, 2010, the following fee fixed by the Director of Public Safety to provide emergency medical services within the Village of Linndale, Ohio is set and approved:

EMERGENCY MEDICAL SERVICES: \$20,000 annually, with a 3% increase to be applied to the total amount payable for each year following the initial year.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 179-11.

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76, passed by the Cleveland City Council October 25, 1976, the City is conducting a Land Reutilization Program according to

the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 113-21-030, located at 1055 East 169th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 213-11 passed March 21, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Rhonda S. McLean has proposed to the City to purchase and develop the parcel for yard expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 213-11, passed by the Cleveland City Council March 21, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Rhonda S. McLean for the sale and development of Permanent Parcel No. 113-21-030, as described in the Ordinance 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 \$400.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 180-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 104-10-055, located at 1055 East 169th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 133-11 passed March 21, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Ohio Technical College has proposed to the City to purchase and develop the parcel for a parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 133-11, passed by the Cleveland City Council March 21, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Ohio Technical College for the sale and development of Permanent Parcel No. 104-10-055, as described in the Ordinance 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 \$250.00, which amount is determined to be not less than the fair market

value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 181-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 129-16-035, located at 12615 Buckeye Road under the Land Reutilization Program; and

Whereas, Ordinance No. 180-11 passed March 21, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Harper Industries, Inc. has proposed to the City to purchase and develop the parcel for a parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 180-11, passed by the Cleveland City Council March 21, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Harper Industries, Inc. for the sale and development of Permanent Parcel No. 129-16-035, as described in the Ordinance 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 \$5,500.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 182-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 129-05-048, located at Mt. Overlook under the Land Reutilization Program; and

Whereas, Ordinance No. 106-11 passed March 21, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Johnny Woodson has proposed to the City to purchase and develop the parcel for a yard expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 106-11, passed by the Cleveland City Council March 21, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Johnny Woodson for the sale and development of Permanent Parcel No. 129-05-048, as described in the Ordinance 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 Land Reutilization Program.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 183-11.

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. 111-07-098 located at 11804 Ablewhite Avenue in Ward 9; 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 to adjacent or abutting landowners; and

Whereas, Jean L. Brooks and Laura E. Brooks, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of the parcel are 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, to Jean L. Brooks and Laura E. Brooks for the sale and development of Permanent Parcel No. 111-07-098 located at 11804 Ablewhite 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: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 184-11.

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. 016-06-091 located at 3346 West 61st Street in Ward 15; and

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

Whereas, Khalil Ewais and Abdeljawdad Ewais, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for parking lot; and

Whereas, the following conditions exist:

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

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of the parcel are 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, to Khalil Ewais and Abdeljawdad Ewais for the sale and development of Permanent Parcel No. 016-06-091 located at 3346 West 61st 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 the parcel shall be \$900.00, which amount is determined to be not less than the Fair Market Value of the parcel for uses according to the Program.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 185-11.

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. 117-06-033 located at 1692 Wayside in Ward 10; 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 to adjacent or abutting landowners; and

Whereas, Romona Wentz, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. 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, to Romona Wentz for the sale and development of Permanent Parcel No. 117-06-033 located at 1692 Wayside, 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 \$400.00, which amount is determined to be not less than the Fair Market Value of the parcel for uses according to the Program.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 186-11.

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. 117-16-061 located at 1874 Grantham in Ward 10; 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 to adjacent or abutting landowners; and

Whereas, Clarence J. Trent, abutting/adjacent landowner, has pro-

posed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. 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, to Clarence J. Trent for the sale and development of Permanent Parcel No. 117-16-061 located at 1874 Grantham, 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: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

Resolution No. 187-11.

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. 120-10-137 located at 11716 Kelton Avenue in Ward 9; 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 to adjacent or abutting landowners; and

Whereas, Sharon Kidd, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. 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, to Sharon Kidd for the sale and development of Permanent Parcel No. 120-10-137 located at 11716 Kelton 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: Directors Triozzi, Withers, Acting Director Dangerfield, Director Butler, Acting Director H. Smith, Directors Rush, Southerington, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Cox and Nichols.

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

CIVIL SERVICE NOTICE

ANNOUNCEMENTS — 2011
5/6/11 - 5/12/11

Announcement No.	Exam Method	Classification	Exam Type
29	WR	Chief Senior Electric Switchboard Operator	Open
30	WR	Clinical Laboratory Technician I	Open

31	WR	Gardener	Open
32	EE	Instrument Repair Worker	Open
33	WR	Registered Animal Health Technician	Open

PROOF OF CITY RESIDENCY

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

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
- Bank statements (Within last three months).
- School registration of children.
- Car insurance documents.
- Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
- Loans and credit card statements (Within last three months).
- Rental contracts (e.g.: furniture, tools, car, etc.).
- Current bills not listed above (Within last three months).
- The following are examples of **unacceptable** categories of proof:
- Library cards.
- Voter registration cards.
- Birth certificates.
- Notarized letters or affidavits.
- Social Security card.
- Rental receipts from independent party without cancelled checks or money order receipt.

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 29

CHIEF SENIOR ELECTRIC SWITCHBOARD OPERATOR (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$22,333.40 - \$63,916.85 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 6, 2011 UNTIL 4:30 P.M. ON THURSDAY, MAY 12, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 12, 2011.

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

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

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

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

DUTIES OF THE POSITION

Performs the daily operations of a system operator in charge of a shift. Schedules purchase power supply to meet system power requirements. Prepares detailed shift reports concerning shift activities, electrical troubles, and actions taken. Monitors SCADA (Supervisory Control and Data Acquisition) computer screens and reports alarms and/or unusual occurrences. Supervises junior and senior switchboard operators and trains new operators as needed. Checks accuracy of log sheet, station curve sheet, and calculation for KW hour output (night shift). Supervises the operation of CPP's electrical system during normal and emergency situations. Operates Gas Turbines, SCADA, and other control equipment. Handles telephone and radio communications as needed. Obtains and maintains any certifications or licenses which may be required by the North American Electric Reliability Corporation (NERC), the Regional Reliability Organization, or other regulatory authority. Performs other job-related duties as required, including compliance with all applicable NERC and Reliability First Corporation reliability standards. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates compe-

tence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. One year of responsible (post apprenticeship or equivalent) full time paid experience in electrical operations is required. Supervisory experience is preferred. Certification by NERC as a Transmission Operator or higher is required.

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

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

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

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 30

CLINICAL LABORATORY TECHNICIAN I (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$21.52 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 6, 2011 UNTIL 4:30 P.M. ON THURSDAY, MAY 12, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 12, 2011.

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

EXAMINATION INFORMATION

TYPE: WRITTEN

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

DUTIES OF THE POSITION

Performs venipuncture and collects blood in proper anticoagulant. Performs general hematology, general bacteriology, general parasitological, and general serology laboratory tests. Maintains quality in control of all tests and procedures performed in the clinical laboratory. Works under supervision of medical technologist (ASCP), or Clinical Laboratory Technician II in punctures. Conducts complete blood counts and differential. Performs clinical chemistry tests on serum. Performs complete urinalyses. Performs serological tests such as pregnancy tests, WDRL tests, and monospot. Performs FTA techniques. Checks stool specimens for ova and parasites. Reads and records all types of bacterial cultures diagnosed in the laboratory and performs proper sensitivity tests to known antibiotics according to procedures set up by Kirby and Bauer. Performs properly all necessary medical laboratory tests set up by Chief of Clinical Laboratories. Keeps quality control records on all tests performed within the laboratory. Maintains daily and monthly log sheets and reports on the number of tests performed. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. An Associate's Degree in Chemistry, Biology, Medical Laboratory, or related science field from an accredited college or university is required. (Substitution: Completed MLT coursework may substitute for degree). Must have a valid State of Ohio Driver's License and a properly registered and insured vehicle for use.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, when an applicant is disqualified from taking an examination on the

basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

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

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C MINUTES
ANNOUNCEMENT NO. 31**

GARDENER (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$16.11 - \$19.22 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATION WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 6, 2011 UNTIL 4:30 P.M. ON THURSDAY, MAY 12, 2011.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 12, 2011.

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

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

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

DUTIES OF THE POSITION

Under supervision, performs gardening and horticultural work. Supervises laborers and other assistants engaged in gardening work. Performs related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demon-

strates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. A two-year Associate's Degree in a Horticulture Field from an accredited college or university or the equivalent of two years of full time paid experience in greenhouse, nursery, landscape maintenance, or other related field which included the operation of landscape maintenance equipment, especially of vehicles, tractors, and pesticide spraying equipment, is required. A valid State of Ohio Driver's License is required. A Commercial Pesticide Applicator's License (Categories 5, 6a, 6c, and 8) for the State of Ohio is required.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Those individuals presenting proof of unemployment or public assistance AT THE TIME OF FILING will be exempt from the fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be submitted at the time of filing.

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

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C MINUTES
ANNOUNCEMENT NO. 32**

**INTRUMENT REPAIR WORKER
(OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$43,153.34 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119.

No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 6, 2011 UNTIL 4:30 P.M. ON THURSDAY, MAY 12, 2011.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 12, 2011.

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

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION

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

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

DUTIES OF THE POSITION

Under supervision, tests, repairs, and maintains fluid meters and gauges. Performs related work as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. An Associate's Degree in Electronics from an accredited college or university or a Certificate or Diploma in Electronics from a Certified Technical or Trade School is required. One year of full time paid experience in a related position is required. A valid State of Ohio Driver's License is required. Must be able to lift and carry a minimum of 30 pounds.

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

tance, or indigence is exempt from the filing fee.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

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

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C MINUTES
ANNOUNCEMENT NO. 33**

**REGISTERED ANIMAL HEALTH
TECHNICIAN (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$15.90 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 6, 2011 UNTIL 4:30 P.M. ON THURSDAY, MAY 12, 2011.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M ON THURSDAY, MAY 12, 2011.

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

EXAMINATION INFORMATION

TYPE: WRITTEN

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

DUTIES OF THE POSITION

Under the supervision of the Chief Animal Control Officer and Veterinarian in Charge of the Spay and Neuter Clinic, assists in all aspects of the operation of the Clinic and Kennel. Examines, vaccinates, and prepares general health status reports of animals impounded and housed at the kennel. Implants microchips as needed and scans stray animals for microchips. Prepares and processes all necessary paperwork involved in the admittance, stay, and discharge of all animals admitted to the Clinic.

Prepares animals for surgery. Assists the Veterinarian during operations. Maintains the supplies for the Clinic. Performs general maintenance of the Clinic and Kennel area. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

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

A High School Diploma or GED is required. Five years of full time paid experience in an Animal Hospital or Shelter as a veterinary assistant is required. (Substitution: A Certificate of Completion of Animal Veterinary Technical School may substitute for four years of experience) Must be able to assist in performing spay/neuter procedures and in controlling large dogs. Must be able to lift and carry at least thirty pounds.

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

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

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

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,
President

May 4, 2011

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, MAY 16, 2011

9:30 A.M.

Calendar No. 11-50: 17024 Dorchester Drive (Ward 11)
Michael Jenovic, owner, appeals to erect a one-story, frame attached

garage 40' x 53' on a 66.42' x 109.96' corner lot in an A1 One-Family District with 3,820 square feet provided contrary to 3,641 square feet that is required and Section 355.04; with a rear yard depth of 3 feet where 20 feet is required according to Section 357.08 of the Cleveland Codified Ordinances.

Calendar No. 11-55: 12103 Union Avenue (Ward 4)

Inter-City Land & Properties LLC and Charles Smith, owner, appeal to change use from a store to a day care a one-story building on a 100' x 121' lot in a Two-Family District, where a day care is required to be 30 feet from any adjoining premises in a residence district not used for a similar purpose, as regulated in a One-Family District under Section 337.02(3)(C); and the substitution of a nonconforming use requires the Board of Zoning Appeals approval according to Section 359.01 of the Cleveland Codified Ordinances.

Calendar No. 11-56: 2900 Martin Luther King Drive (Ward 4)

The Benedictine Order of Cleveland, owner, appeals to erect a new bus garage and football field complex on acreage located in a B1 Two-Family District; subject to the provisions in Section 337.02(f)(3)(A)(B), in One and Two Family Districts accessory uses (a bus garage) of private schools and grounds for games and sports must be 30 feet from adjoining premises and must be approved by the Board of Zoning Appeals, after public notice and hearing, to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and if, in the judgment of the Board, such building and uses are appropriately located and designed to meet a community need without adversely affecting the neighborhood.

Calendar No. 11-57: 2605 Detroit Avenue (Ward 3)

TEG Properties, owner, and Tom Gillespie appeal to resurface a parking lot and install approximately 135 linear feet of 8 foot high chain link fence in the actual front yard along West 26th Street; contrary to the Fence Regulations an 8 foot high fence is proposed where fences in the actual front yards of a non-residential district shall not exceed 4 feet in height and shall be at least 50 percent open, according to Section 358.04(a) of the Cleveland Codified Ordinances.

Calendar No. 11-58: 2719 Detroit Avenue (Ward 3)

TEG Properties, owner, and Tom Gillespie appeal to resurface a parking lot and install approximately 170 linear feet of 8 foot high decorative fence in actual front yards along West 28th Street, along Detroit Avenue and along Church Avenues; contrary to the Section 358.04(a) an 8 foot high fence is proposed where fences in actual front yards of non-residential districts shall not exceed 4 feet in height and shall be at least 50 percent open, according to Section 358.04(a) of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, MAY 2, 2011

At the meeting of the Board of Zoning Appeals on Monday, May 2, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 11-43: 3857 East 189th Street

Myron and Tiffany Washington appealed to install a wheelchair lift with a 6' x 8' landing in the front yard setback in an A1 One-Family District.

Calendar No. 11-44: 2092 West 105th Street

Kenneth Baker appealed to install a wheelchair lift with a 5' x 5' landing in the front yard setback in a B1 Two-Family District.

Calendar No. 11-46: 3158 West 43rd Street

Lydia Nieves appealed to rebuild a 5' x 12' side porch to a one family dwelling in a B1 Two-Family District; subject to conditions.

Calendar No. 11-53: 1393 West 51st Street

Ohio Technical College Inc. appealed to surface a vacant parcel for a parking lot in a B1 Two-Family District; subject to conditions.

Calendar No. 11-54: 1368 East 52nd Street

Ohio Technical College Inc. appealed to construct a parking lot on a parcel in a B1 Two-Family District; subject to conditions and lot consolidation.

Calendar No. 10-274: 4135 Lee Road

Toris Realty Company, owner, and Jonathon Hayden, tenant, appealed to establish a tattoo/body piercing parlor in a retail plaza space located in a C1 Shopping Center District.

Calendar No. 11-31: 4374-76 Pearl Road

George McPherson appealed to establish an outdoor restaurant in a Local Retail Business District; subject to condition.

The following appeals were **Withdrawn:**

None.

The following appeal was **Dismissed:**

Calendar No. 11-45: 12212 Brighton Avenue

Walter Worsham, Jr. appealed to install a wheelchair lift with a 5' x 5' landing in the front yard setback in an A1 One-Family District.

The following appeals were **Postponed:**

None.

The following appeals heard by the Board on April 25, 2011 were adopted and approved on May 2, 2011.

The following appeal was **Approved:**

Calendar No. 11-47: 11125 Magnolia Drive

Cleveland Music Settlement appealed from the limitation of 30 days duration to install a temporary tent from May 5 through October 20, 2011.

The following appeal was **Denied:**

Calendar No. 08-220: 4965 Broadview Road

CSX Railroad owner, and CBS Outdoor and Tim Keaton, tenant, appealed to install automatic changeable copy signs on an existing 14' x 48' and 70 foot high billboard in a General Industry District; on remand- Case CV09713005 -for evaluation limited to an area variance.

An Amended Motion for Rehearing was submitted on April 29, 2011 and held pending for the following appeals heard on April 18, 2011:

Calendar No. 10-194: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road, Incorporated appealed for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District, where the proposed use is subject to the limitations in Section 345.04(b)(21) of the Cleveland Codified Ordinances.

Calendar No. 10-260: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road, Incorporated appealed under Sections 329.03 and 329.04 for a use variance to allow grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

A Motion for Rehearing was submitted on April 29, 2011 and held pending for the following appeals heard on April 18, 2011:

Calendar No. 10-194: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road, Incorporated appealed for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District, where the proposed use is subject to the limitations in Section 345.04(b)(21) of the Cleveland Codified Ordinances.

Calendar No. 10-260: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road, Incorporated appealed under Sections 329.03 and 329.04 for a use variance to allow grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

Calendar No. 10-259: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road Incorporated appealed under Sections 329.01(e) and 329.02(d) of the Cleveland Codified

Ordinances from the decision of the Zoning Administrator to deny an application for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

Secretary

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

Re: Report of the Meeting of
April 27, 2011

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-358-10.

RE: Appeal of Caraman Corp., Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 900 East 146th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 8, 2009 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 extend the permits for thirty (30) days and grant the Appellant thirty (30) 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. Bradley.

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

* * *

Docket A-393-10.

RE: Appeal of Chariot House Investments, Ltd., Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Frame Property located on the premises known as 4520 Bush Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated September 2, 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).

Docket A-393-10 has been POSTPONED; to be rescheduled for June 8, 2011.

* * *

Docket A-394-10.

RE: Appeal of Chariot House Investments, Ltd., Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as

3519 West 46th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 12, 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).

Docket A-394-10 has been POSTPONED; to be rescheduled for June 8, 2011.

* * *

Docket A-397-10.

RE: Appeal of Thomas Bell, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two & One/half Story Frame Property located on the premises known as 2418 Professor Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 7, 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 grant the Appellant six (6) months in which to obtain permits and 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. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-398-10.

RE: Appeal of Thomas Bell, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two & One/half Story Frame Property located on the premises known as 819 Jefferson Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 10, 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 grant the Appellant six (6) months in which to obtain permits and 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. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-401-10.

RE: Appeal of Moise Magda Jr., Owner of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 3699 East 59th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 22, 2010 of the Director of the Depart-

ment 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 and 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, noting the condition of the property, the lack of continued efforts on the part of the Appellant and noting the lack of attendance by the Appellant at the hearing. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-402-10.

RE: Appeal of Thor Real Estate, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 13713 Kelso Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 10, 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 Notice of Violation was properly issued, to require that the debris and the grounds be immediately cleaned, and 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. Bradley.

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

* * *

Docket A-404-10.

RE: Appeal of Willie Coleman, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two & One/half Story Masonry Walls/Wood Floors Property located on the premises known as 11015 Superior Avenue (aka 11013-11023 Superior Avenue) from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 27, 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 Search Warrant was improperly issued. 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. Maschke.

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

* * *

Docket A-409-10.

RE: Appeal of Calvin Brooks, Owner of the Residential Property located on the premises known as 945 East 146th Street from a LIMITATION ON THE PERMIT, dated September 17, 2009 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 an extension to the existing permit and grant the Appellant ninety (90) days in which to complete abatement of the violations on the property located at 945 East 146th Street. 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. Maschke.

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

* * *

Docket A-410-10.

RE: Appeal of Calvin Brooks, Owner of the Residential Property located on the premises known as 947 East 146th Street from a CONDEMNATION — MAIN STRUCTURE, dated September 14, 2009 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 one hundred eighty (180) days in which to obtain permits and abate the violations on the property located at 947 East 146th Street. 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. Maschke.

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

* * *

Docket A-493-10.

RE: Appeal of Thor Real Estate, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 744 East 165th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated November 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 Notice of Violation was properly issued and that hearing no plan to further abate the violations, the Board is requiring that the Appellant keep the yard cleaned up, remove the graffiti and maintain the building while the current Appellant owns the property, noting that there is a foreclosure imminent.

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. Bradley.

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

* * *

Docket A-27-11.

RE: Appeal of Bedo LLC, Owner of the Property located on the premises known as 2010 Euclid Avenue from a NOTICE OF VIOLATION — FIRE CODE, dated January 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 variance and permit the Knox Box to exist in its present location without any additional signage. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-83-11.

RE: Appeal of Forest Bay Tower City, LLC C/O Rock Ohio Caesars, LLC, Owner of the Property located on the premises known as 100 Public Square from an ADJUDICATION ORDERS, dated March 3, 2011 and March 23, 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 variance to the drinking fountains, noting the testimony indicating the experience of the casino operators in that regard, and the reasonableness of it, and granting the variance for the casino facility use only.

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

* * *

APPROVAL OF AMENDED RESOLUTION:

Separate motions were entered by Mr. Maschke and seconded by Mr. Bradley for Approval and Adoption of the Amended 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):

Docket A-344-10.

Kenneth Golston — 12508 Griffing Avenue:

FROM: DENY the request for additional time, noting that no work has been done on the property and the Appellant is not present at the hearing; 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 six (6) months in which to complete abatement of the exterior violations and twelve (12) months in which to complete abatement of all violations, with the provision that within thirty (30) days the Appellant submits a plan of rehabilitation of the property and obtain the required permits. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action...

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Maschke and seconded by Mr. Bradley 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-446-09 — International Specialty Product Inc.
- A-295-10 — David Williams
- A-348-10 — Thomas J. Palker
- A-352-10 — Mikeyla Kidd
- A-361-10 — William Storer
- A-362-10 — Dannie Lawson
- A-363-10 — Edward J. Breckling
- A-365-10 — Michelle Booker
- A-367-10 — Andrew Kenney
- A-370-10 — Coalition for a Better Community
- A-372-10 — Michael Turczyk
- A-375-10 — Edwin Ocasio
- A-376-10 — Beverly White
- A-43-11 — George Sadek
- A-75-11 — Jacobs Investments Mgmt., Co.
- A-76-11 — WRRS LLC
- A-77-11 — WRRS LLC
- A-78-11 — WRRS LLC
- A-79-11 — WRRS LLC
- A-80-11 — WRRS LLC
- A-89-11 — Harbor Group
- A-90-11 — Grubb-Ellis Management

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Bradley and seconded by Mr. Maschke 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 13, 2011

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

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NOTICE OF PUBLIC MEETING OF THE CITY OF CLEVELAND RECORDS COMMISSION

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland City Records Commission will hold a public meeting on Tuesday, May 17, 2011 at 11:00 A.M. in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

May 4, 2011 and May 11, 2011

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, MAY 20, 2011

File No. 73-11 — Purchase of Air-Flu and Plow Equipment, Parts and Labor and Related Equipment,

for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, MAY 9, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 74-11 — Tire Repair Road Service, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, MAY 9, 2011 AT 10:30 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 75-11 — Purchase of Various Automotive and Truck Parts, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, MAY 9, 2011 AT 11:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

April 27, 2011 and May 4, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 144-11.

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

An emergency resolution authorizing participation by Cleveland Public Power customers in demand response programs in the PJM Interconnection LLC market and determining the initial criteria and conditions governing such participation.

Whereas, Cleveland Public Power (CPP) is a member of the PJM Interconnection LLC, (PJM) a regional transmission organization that operates the region's electric transmission grid, provides transmission services to its members, and operates regional markets for capacity, energy and other electricity services; and

Whereas, as required by the Federal Energy Regulatory Commission (FERC), PJM has adopted "Demand Response" programs that allow customers to offer to reduce their electricity use in certain circumstances including during an emergency event; and

Whereas, currently a customer's Demand Response may be offered into PJM's markets if the Demand Response resource meets PJM's technical requirements and if the laws or regulations of the relevant electric retail regulatory authority (RERRA) permit such offers; and

Whereas, retail customers participate in Demand Response in PJM through members called curtailment service providers (CSPs), who act as agents for the customers; and

Whereas, under PJM's Demand Response program, a customer whose Demand Response registration is approved is entitled to be compensated for being on call and ready to reduce energy usage on request; and

Whereas, CPP customers will be eligible to participate in the PJM Demand Response programs beginning June 1, 2011, and CPP desires to provide its customers with the opportunity to do so; and

Whereas, in the case of utilities (such as CPP) that distributed 4 million megawatt-hours or less in the previous fiscal year, a CSP may register Demand Response as resources in the PJM markets only with the permission of the utility's RERRA, which for CPP is this Council; and

Whereas, this Council has determined that it is desirable to authorize the participation of CPP retail customers, acting through a CSP, in PJM's Demand Response programs, provided that the CSP satisfies eligibility criteria and certain other specified requirements that are deemed necessary to protect other CPP customers and the CPP system from adverse effects; 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 establishes the following procedures for authorization of a Curtailment Service Provider (CSP) to register end-use customer Demand Response capability in the markets operated by PJM Interconnection, L.L.C. beginning June 1, 2011:

(a) The aggregate amount of Demand Response capability that may be offered into PJM's Demand Response programs by all CSPs shall not exceed 30 megawatts at any given time, unless the 30 megawatt limit is waived by CPP in its discretion.

(b) Registrations to participate in PJM's Demand Response programs shall be processed in the order received until the aggregate amount of Demand Response capability that cleared the market (not to exceed 30 megawatts) is reached, after which no further registrations may be accepted by PJM or CPP, unless the 30 megawatt limit is waived by CPP. If a CSP cancels a previously approved PJM Demand Response registration, or if the CSP or a customer's participation in PJM's Demand Response programs is terminated, the difference between 30 megawatts and the aggregate amount of remaining Demand Response capability authorized by CPP shall be made available to other CSPs through notice posted on CPP's website.

(c) The Demand Response may be offered in the PJM market only with respect to PJM's Emergency Load Response Program, including both the Full Emergency and Capacity Only Options, and not PJM's other markets unless approved by CPP.

(d) The criteria and detailed procedures governing CSP applications for authorization to participate in PJM's Demand Response programs shall be posted on the CPP website along with

a list of authorized CSPs and the total CPP customer load currently subject to reduction through CSP participation in PJM's Demand Response programs. CPP may revise the posted criteria and detailed procedures at any time, as and when CPP may deem it necessary or appropriate to do so.

(e) (i) A CPP end-use customer that wishes to register its Demand Response capability for participation in the PJM market may do so only through a CSP that has been authorized, following application to CPP, to engage in such activity. To obtain such authorization, a CSP must submit a written application to CPP using the form for such applications posted on CPP's website. The application shall provide, at a minimum, the following information:

(A) the name, address, and contact information for the individual employed by the CSP who is assigned responsibility for interacting with CPP regarding customer participation in PJM Demand Response;

(B) complete emergency contact information for the CSP, if different from (A);

(C) the registration deadline, if any, for such program; and

(D) to the extent known at the time of application, the amount of the end-use customer's Demand Response capability that will be registered in each PJM-operated market.

(ii) A CSP application for authorization also shall include a statement that the CSP is in good standing with PJM, that the CSP has executed all necessary PJM documents and has met all PJM requirements for participation in PJM's Demand Response programs, that the CSP has obtained any and all required state regulatory authorizations or approvals, and that the CSP is not the subject of any active investigation or any complaint proceeding conducted by or before any local, state or federal agency, including the Federal Energy Regulatory Commission, or by the PJM Independent Market Monitor. If such an investigation or complaint is pending, CPP may request additional information to assist in evaluating the application.

(iii) The authorization of a CSP granted by CPP shall remain in force for a period of five (5) years after which the CSP must submit a renewal application on a form to be provided by CPP. During the five-year period a CSP shall update the information contained in its application, including increases or decreases in participation by end-use customer(s) in PJM's Demand Response programs, as and to the extent necessary so that the information contained in the application remains accurate and complete and so that CPP has a current and accurate record of the aggregate demand of all CPP customers participating in PJM programs.

(iv) All information contained in a CSP application submitted in accordance with these procedures shall be true, accurate and complete, and shall be verified as such by the sworn and notarized signature of an officer of the CSP.

(v) Within five business days after receiving a completed application, CPP shall notify the CSP in writing whether its application has been approved.

(f) Authorized CSPs shall make available to CPP through the PJM "Electronic Load Response System"

(eLRS) all information regarding the identity of customers registered to participate in Demand Response and performance data during any actual emergency events or test events. If not included in the information posted through eLRS, each CSP also shall advise CPP of the date and time of each curtailment directive, the identity of the customers curtailed and the amount and duration of each such customer's curtailment.

(g) CPP's approval of an application submitted by a CSP hereunder does not constitute or confer a franchise, grant, exclusive license, or other property right. Rather, the right created by CPP's approval of an application submitted by a CSP hereunder is in the nature of a revocable non-exclusive license.

(h) If CPP revokes a previously approved authorization, the participation of any affected end-use customer in PJM's Demand Response programs shall be terminated in a manner consistent with applicable provisions of the PJM Operating Agreement, the PJM Open Access Transmission Tariff, and the PJM Reliability Assurance Agreement.

(i) If, at any time after its adoption, this Resolution is withdrawn by action of the Council without adoption of superseding procedures, CPP thereafter shall reject any application submitted by a CSP hereunder. Further, in such event, the participation in PJM's Demand Response programs by any end-use customer under a previously approved CSP application shall be terminated in a manner consistent with applicable provisions of the PJM Operating Agreement, the PJM Open Access Transmission Tariff, and the PJM Reliability Assurance Agreement.

(j) Neither CPP nor the City shall have any obligation to hold financially harmless any CSP or end use customer that is affected by the withdrawal of this Resolution, the revocation of a previously approved CSP application, CPP's revision of its posted criteria or detailed procedures, or any other action taken by CPP or the City that is claimed to adversely affect the rights or interests of any CSP or end use customer that participates or seeks to participate in PJM-operated markets.

Section 2. 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 April 25, 2011.

Effective April 29, 2011.

Res. No. 567-11.

By Council Member Reed.

An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit at 4568 Warner Road and repealing Resolution No. 376-11, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to Martin J. Martina, DBA Cozy Inn, 4568 Warner Road, Cleveland, Ohio 44105, Permanent No. 5588648 by Resolution No. 376-11 adopted by the Council on March 14, 2011; and

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

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

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

Section 1. That objection to a D1 and D2 Liquor Permit to Martin J. Martina, DBA Cozy Inn, 4568 Warner Road, Cleveland, Ohio 44105, Permanent Number 5588648 be and the same is hereby withdrawn and Resolution No. 376-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 25, 2011.

Effective April 29, 2011.

Res. No. 568-11.

By Council Member Sweeney.

An emergency resolution objecting to a New C1 Liquor Permit at 4798 West 130th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Belaell Seder, 4798 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7951783; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code.

Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Belaell Seder, 4798 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7951783, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 25, 2011.

Effective April 29, 2011.

Ord. No. 92-11.

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

An emergency ordinance to amend Sections 143.01, 143.02, 143.03, 171.03, 171.241, 171.242, and 171.37 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, to effectuate changing the name of the Department of Personnel and Human Resources to the Department of Human Resources.

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 following sections of the Codified Ordinances of Cleveland, Ohio 1976:

Section 143.01, as amended by Ordinance No. 1163-90, passed June 18, 1990,

Section 143.02, as amended by Ordinance No. 77-94, passed March 14, 1994,

Section 143.03, as amended by Ordinance No. 1 163-09, passed June 18, 1990,

Section 171.03, as amended by Ordinance No. 746-06, passed June 5, 2006,

Section 171.241, as amended by Ordinance No. 1277-05, passed August 3, 2005,

Section 171.242, as amended by Ordinance No. 1278-05, passed August 3, 2005, and

Section 171.37, as amended by Ordinance No. 2461-A-85, passed October 20, 1986,

are amended to read as follows:

Section 143.01 Establishment

There is established a Department of Human Resources to be controlled and administered by a Director of Human Resources subject to the provisions of the Charter and ordinances of the City, and to the direction of the Mayor.

Section 143.02 Duties of the Director of Human Resources

(a) The Director of Human Resources shall establish standards of efficiency and conduct for the officers and employees in the classified service; adopt and administer a plan for the equitable and periodic measurement of such conduct and efficiency; maintain complete records of such measurements for use in determining eligibility for increases in rate of compensation, the order of lay-off and in disciplinary action, the eligibility for promotion and for the betterment of the public service; initiate, administer and coordinate the employee safety program of the City; direct the administration of claims for compensation under the provisions of law relating thereto; do and perform such other and additional duties with reference to the personnel administration of the City as may be required by the Mayor or the Council.

(b) With respect to internal equal employment programs for the City's personnel, it shall be the duty of the Director of Human Resources:

(1) To establish, monitor, administer, and coordinate for all City departments, divisions, offices, boards, and commissions equal employment opportunity and affirmative action policy, practices, standards, and programs required by Federal, State and City laws, ordinances, rules and regulations.

(2) To review and monitor personnel procedures, policies and practices of the Civil Service Commission and other departments of City government, including without limitation, appointment, wage and salary administration, testing, recruitment, and disciplinary procedures;

(3) To recommend and design programs to increase recruitment and employment by the City of minorities, women, handicapped and aged;

(4) Subject to approval of the Board of Control, the Director of Human Resources shall establish, implement and administer an internal equal employment opportunity grievance procedure for City employees, under which the Director of Human Resources shall have discretion to accept for review or reject any grievance properly filed; provided, however, that in determining whether to accept or reject such grievance the Director of Human Resources shall consider, among other things, the availability of other grievance procedures under civil service rules or applicable labor agreements;

(5) At the request of the Director of Law, to investigate charges of discrimination and grievances;

(6) To advise appropriate City officers and employees of current equal employment opportunity requirements pertinent to performance of their duties;

(7) To provide for education and training of appointing authorities, supervisory and other City employees, as appropriate, with respect to pertinent equal employment opportunity requirements and procedures; and

(8) To provide for overall supervision, coordination and evaluation of the affirmative action plan and program of the City in order to insure its effective implementation.

(c) It shall also be the duty of the Director of Human Resources:

(1) To develop and maintain contacts with community groups con-

cerned with the rights of minorities, women, handicapped, aged and Vietnam-era or disabled veterans;

(2) To coordinate and monitor the accessibility of City-owned facilities to the handicapped;

(3) To formulate a plan of education or promote fair employment practices by employers, labor unions, employees, employment agencies and the general public to eliminate employment discrimination based on race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status.

(4) To confer and cooperate with and furnish technical assistance to employers, labor unions, employment agencies and other public and private agencies in formulating educational programs for the elimination of employment discrimination based on race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, and in connection herewith, the Director of Human Resources may stimulate the establishment of committees in industry, labor and other areas; and

(5) To perform such other equal employment opportunity and affirmative action related duties as the Mayor may require.

(d) By February 15, the Mayor shall file the following written reports with the Clerk of Council:

(1) A report setting forth all new appointments and promotions made by the City during the preceding calendar year, together with the classification and level of compensation of the persons so appointed and promoted, and demonstrating the impact of such appointments and promotions on the City's affirmative action program and goals.

The Mayor shall also indicate as to each person appointed or promoted whether or not the person is one of those in a protected class as set forth in division (d)(1) of this section. All such information required by this division shall be separately prepared and presented by department and division. The Mayor shall notify each member of Council of the filing of the report.

(2) A report setting forth the total number of employees in each division, bureau or office and the number of employees in such divisions, bureaus or offices who are minorities or women.

(e) The Director of Human Resources shall plan, develop and implement employment opportunities and manpower development programs, welfare and social services programs, community action and anti-poverty programs; relate the activities of Federal and State agencies to the needs of the community for human resources; and coordinate all such activities and cooperate with all private and public agencies in achieving these objectives.

(f) The Director of Human Resources shall appoint, under the civil service provisions of the Charter such assistants and clerical, stenographic and other employees as may be required for the performance of the duties of the Director's office, and shall be responsible for their supervision.

Section 143.03 Duties of the Assistant Director of Human Resources

There shall be an Assistant Director of Human Resources, who shall perform such duties as are determined by the Director of Human Resources.

Section 171.03 Employment of Health Care Professionals for Employee Examinations

The Director of Human Resources or the Civil Service Commission, through its Secretary, are authorized to employ by one or more written contracts health service professionals, including hospitals, clinics, medical providers, physicians, psychiatrists, and psychologists to conduct, on an as-needed basis, medical examinations or testing of City of Cleveland employees and applicants. The cost of the contract or contracts shall be payable from funds appropriated for this purpose.

Section 171.241 Voluntary Deductions for the Ohio Tuition Trust Authority's College Advantage Savings Plan

The Commissioner of Accounts is authorized to deduct from the salary or wages due those officers and employees of the City who have filed with the Commissioner a written request authorizing deductions for the Ohio Tuition Trust Authority's College Advantage Savings Plan, the amount specified in the authorization to be deducted at the time indicated in the authorization. The Treasurer shall transmit money so deducted to the Ohio Tuition Trust Authority, as indicated in the authorization, for and on behalf of the employee. The Director of Human Resources is authorized to enter into any necessary agreements with the Ohio Tuition Trust Authority to implement this program.

Section 171.242 Voluntary Deductions for the RTA Commuter Advantage Program

The Commissioner of Accounts is authorized to deduct from the salary or wages due those officers and employees of the City who have filed with the Commissioner a written request authorizing deductions for the RTA Commuter Advantage Program, the amount specified in the authorization to be deducted at the time indicated in the authorization, all in accordance with applicable federal regulations. The Treasurer shall transmit money so deducted to the Greater Cleveland Regional Transit Authority (GCRTA), as indicated in the authorization, for and on behalf of the employee to purchase commuter passes. This program constitutes a qualified transportation fringe benefit plan. The Director of Human Resources is authorized to enter into any necessary agreements with GCRTA to implement this program.

Section 171.37 Reimbursement of Tuition for Employee Education

(a) Any full-time officer or employee of the City may be reimbursed by the City in an amount not to exceed one thousand dollars (\$1,000) per employee per calendar year for payments he has made for tuition fees for a course of study at an accredited university, college, high school, or continuing education program, that will assist the officer or employee and improve his ability to perform his duties.

(b) Reimbursement of tuition and fees is subject to the following conditions:

(1) The officer or employee shall have received the prior written approval of his director, or his appointing authority in the case of those employees not in a department administered by a director to attend the course of study.

(2) The officer's or employee's director, or appointing authority in the case of those employees not in a department administered by a director, shall have reported to the Mayor, his designee or the Director of Human Resources if the Mayor so designates that the course of study will assist the officer or employee and improve his ability to perform his duties.

(3) The officer or employee has successfully completed the course of study.

(c) Two times a year the Mayor, his designee or the Director of Human Resources if the Mayor so designates shall submit to Council for its review a list of the names of all individuals who received approval for tuition reimbursements.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio 1976:

Section 143.01, as amended by Ordinance No. 1163-90, passed June 18, 1990,

Section 143.02, as amended by Ordinance No. 77-94, passed March 14, 1994,

Section 143.03, as amended by Ordinance No. 1 163-09, passed June 18, 1990,

Section 171.03, as amended by Ordinance No. 746-06, passed June 5, 2006,

Section 171.241, as amended by Ordinance No. 1277-05, passed August 3, 2005,

Section 171.242, as amended by Ordinance No. 1278-05, passed August 3, 2005, and

Section 171.37, as amended by Ordinance No. 2461-A-85, passed October 20, 1986,

are repealed.

Section 3. That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the Department of Personnel and Human Resources, the Director of Personnel and Human Resources, or the Assistant Director of Personnel and Human Resources shall be amended to read "Department of Human Resources", the "Director of Human Resources", and the "Assistant Director of Human Resources, consistent with this ordinance.

Section 4. That the Clerk of Council is authorized, when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and any amendments, to change all references to the Department of Personnel and Human Resources, the Director of Personnel and Human Resources, or the Assistant Director of Personnel and Human Resources to read "Department of Human Resources", the "Director of Human Resources", and the "Assistant Director of Human Resources, consistent with this ordinance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately

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

Passed April 25, 2011.

Effective April 29, 2011.

**Ord. No. 143-11.
By Council Members Kelley and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to enter into a contract with EnerNOC Inc. for participation in EnerNOC's demand response program by the Division of Water for a period of two years with one two-year option to renew, exercisable through additional legislative authority.

Whereas, PJM Interconnection ("PJM") is a regional transmission organization that provides electric transmission services to utilities in the region including, as of June 1, 2011, Cleveland Public Power; and

Whereas, PJM conducts demand response programs that are designed to compensate retail customers that are willing to curtail their consumption when requested by PJM to relieve overloading on the PJM system, which will help prevent blackouts and help maintain reliable and affordable electricity across the PJM system; and

Whereas, PJM requires retail customers to participate in the demand response programs through authorized Curtailment Service Providers that enter into contracts with multiple retail customers so that PJM does not have to coordinate the reduction in consumption by individual customers; and

Whereas, by separate resolution, this Council has authorized Curtailment Service Providers to operate in Cleveland Public Power's service area; and

Whereas, the Division of Water desires to participate in the demand response program by using its emergency back-up generators to enable it to reduce its consumption; and

Whereas, the Division of Water will not be required to reduce consumption if such action would impair its ability to provide reliable water service to its customers; and

Whereas, the Division of Water solicited qualifications from companies authorized to participate in the PJM program; and

Whereas, EnerNOC, Inc. met all of the evaluation criteria the Division of Water used to determine the best supplier; 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 enter into contract with EnerNOC Inc., to serve as the Curtailment Service Provider for the Division of Water based on its proposal dated December 10, 2010 for a period of two years with one two-year option to renew exercisable through additional legislative authority.

Section 2. That the compensation to be paid under this ordinance shall be deposited into Fund No. 52, and is appropriated for the purpose of maintaining emergency back-up generators at the Division of Water.

Section 3. That this ordinance is declared to be an emergency measure

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

Passed April 25, 2011.

Effective April 29, 2011.

**Ord. No. 210-11.
By Council Members Cimperman, J. Johnson and Mitchell.**

An emergency ordinance to amend various sections of Chapters 241, 508, and 675 of the codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to vendors; to supplement the codified ordinances by enacting new Sections 241.051, 241.36, 241.37, and 241.38; and to rename Chapter 675 to "Street Vendors."

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 241.01, 241.02, and 241.03, as enacted by Ordinance No. 2163-01, passed May 20, 2002,

Section 241.05, as amended by Ordinance No. 2303-04, passed January 24, 2005,

Sections 241.06, 241.07, 241.32, and 241.99, as enacted by Ordinance No. 2163-01, passed May 20, 2002

Sections 508.01, 508.03, 508.05, and 508.07, as enacted by Ordinance No. 1611-83, passed June 27, 1983,

Section 508.08, as amended by Ordinance No. 1428-92, passed July 22, 1992,

Section 508.09, as enacted by Ordinance No. 1611-83, passed June 27, 1983,

Section 675.01, as amended by Ordinance No. 1158-09, passed October 5, 2009,

Section 675.02, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 675.03, as amended by Ordinance No. 1428-92, passed July 22, 1992,

Section 675.04, as amended by Ordinance No. 1158-09, passed October 5, 2009,

Section 675.041, as enacted by Ordinance No. 1612-83, passed June 27, 1983,

Sections 675.05, 675.06, 675.07, and 675.08, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 675.09, as amended by Ordinance No. 1203-10, passed November 29, 2010,

Section 675.10, as amended by Ordinance No. 1670-92, passed August 19, 1992, and

Section 675.99, as amended by Ordinance No. 137-A-91, passed June 17, 1991

are amended to read as follows:

Section 241.01 Rules and Regulations

The Directors of Public Health and Capital Projects are authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this chapter. Such rules and regulations upon adoption, shall be published in the City Record for two consecutive weeks and shall be in effect on and after fifteen days from the second publication therein. Such rules and regulations shall have the

force and effect of this chapter and continue in effect until revoked by the respective Director or by ordinance of Council.

Section 241.02 Enforcement and Inspection

The Director of Public Health, and/or authorized employees who are registered sanitarians or sanitarians-in-training are charged with the enforcement of this chapter. Any such person shall have the right to enter and inspect any place where the business of food is engaged in. No person shall refuse or hinder inspection, or fail to answer all reasonable questions relative to handling food or fail to furnish upon request any records deemed necessary for the enforcement of this chapter. If the Director of Public Health and/or authorized employees find, or have cause to believe, that within a retail food establishment or food service operation in their jurisdiction food is adulterated, or so misbranded as to be dangerous or fraudulent, said food may be embargoed in accordance with OAC 901:3-4-15 and may be taken for examination, free of charge. Whenever the Director of Public Health and/or authorized employees find in any food shop, any meat, seafood, poultry, vegetable, fruit, or other perishable foods that are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the foods are declared to be a nuisance, and shall forthwith be condemned or destroyed, or in any other manner rendering the items unsalable as human food. The Director Capital Projects shall have concurrent authority to enforce the provisions of this chapter not specifically delegated to the Director of Public Health.

Section 241.03 Definitions

(a) As used in this chapter: The definitions contained in Revised Code Chapter 3715 and Chapter 3717 pertaining to the administration and enforcement of food safety programs are adopted and incorporated by the City of Cleveland as if set forth herein.

(b) "Food shop" applies to "retail food establishment" and "food service operation," as those terms are defined in Revised Code Chapter 3717.

(c) "Mobile food shop" means a "mobile retail food establishment" or "mobile food service operation," as those terms are defined in Revised Code Chapter 3717.

(d) "Vendor" means a mobile food shop.

(e) "Food Item" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption. Food includes ice, water or any other beverage, food ingredients, and chewing gum.

(f) "Street" means street, alley, highway, roadway, or avenue.

(g) "Vending device" means a container for the sale, display or transport of food items by a vendor.

Section 241.05 Food Shop Licenses and Fees

(a) No food shop shall be operated without the person, firm, association, or corporation conducting the business first applying for and obtaining an annual license issued by the Com-

missioner of Assessments and Licenses.

(b) Chapters 3715 and 3717 of the Revised Code pertaining to the licensing, administration and enforcement of food safety programs by the local licensing authority is adopted and incorporated herein by the City of Cleveland.

(c) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or entity, then the determination of what license applies shall be made according to the primary business of the person or entity as determined by the licensor, the City of Cleveland Director of Public Health, as described in Section 3717.44 of the Revised Code.

(d) For a mobile food service operation or mobile retail food establishment, the annual fee shall be two hundred sixty-three dollars and forty-four cents (\$263.44).

(e) For a vending food service operation, the annual fee shall be twenty-nine dollars and sixty-five cents (\$29.65).

(f) For a temporary commercial food service operation and temporary retail food establishments, the fee shall be forty dollars (\$40.00) per five-day event. For a temporary non-commercial food service operation and temporary retail food establishments, the fee shall be twenty dollars (\$20.00) per five-day event.

(g) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop in an amount equal to the cost of such collection and examination as determined by the Commissioner of Environment.

(h) Except for plans pertaining to mobile or temporary food service operations or vending devices, the Commissioner of Assessments and Licenses shall collect fees in the amounts stated below, for plan reviews of food shops prior to submission of plans to the Division of Environment:

	Plan Review Fee	
	Commercial	Non-Commercial
New Operations, less than 25,000 sq. feet	\$150.00	\$ 75.00
New Operations, greater than 25,000 sq. feet	\$300.00	\$150.00
Extensive Alteration, less than 25,000 sq. feet	\$ 75.00	\$ 37.50
Extensive Alteration, greater than 25,000 sq. feet	\$100.00	\$ 50.00

(i) The Commissioner of Assessments and Licenses shall submit all applications for a food shop license to the City of Cleveland Director of Public Health for approval or disapproval of the application.

(j) On receipt of an application for a mobile food shop license, the Commissioner of Assessments and Licenses shall notify the Council member or members in whose ward or wards the

mobile food shop will be located that the application has been received. A completed application shall contain the signature of the Council member or members in whose ward or wards the mobile food shop will be located."

(k) The Commissioner of Assessments and Licenses is authorized to collect license fees for retail food establishments and food service operations and deposit the fees into a fund created under Sections 3717.25 and 3717.45 of the Revised Code.

(l) For purposes of this section, noncommercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in division (B)(12) of Section 5739.02 of the Revised Code, provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(m) For a food service operation, a penalty of twenty five percent (25%) of any license fee required by this section must be paid before the issuance of the license if the required license fee is not paid on or before the date it is due.

Section 241.06 License or Permit Disapproval; Revocation; Suspension; Appeals

(a) The Commissioner of Environment, and/or authorized employees who are registered sanitarians or sanitarians-in-training, may suspend or revoke a food license upon determining that the license holder is in violation of any requirement of Revised Code 3717 or the rules adopted thereunder, which are applicable to retail food establishments and food service operations, including a violation evidenced by the documented failure to maintain sanitary conditions within the operation.

(b) Except in the case of a violation that presents an immediate danger to the public health, prior to initiating an action to suspend or revoke a food license, the Commissioner of Environment, and/or authorized employees, shall give the license holder written notice specifying each violation and a reasonable time within which each violation must be corrected to avoid suspension or revocation of the license. The Commissioner, and/or authorized employee, may extend the time specified in the notice for correcting a violation if the license holder, in the sole discretion and determination of the Commissioner, is making a good faith effort to correct the alleged violation. If the license holder fails to correct the violation in the time granted by the Commissioner, and/or authorized employee, the Commissioner, and/or authorized employee, may initiate an action to suspend or revoke the food license by giving the license holder written notice of the proposed suspension or revocation.

(c) In the case of a violation that presents an immediate danger to the public health, the Commissioner, and/or authorized employee, may issue an immediate order of suspension or revocation of a food license without giving written notice or affording the license holder the opportunity to correct the violation.

(d) The license holder may appeal the proposed suspension or revocation of a food license or the immediate order of suspension or revocation of a

food license as provided in Revised Code Sections 3717.29 and 3717.49 and in conformance with the rules of procedure adopted there under. In such cases, the Commissioner of Environment is charged with presiding over the hearing and is authorized to render a decision denying, suspending or revoking a license, or rendering a decision to dissolve or continue an issued suspension. A food license can be suspended for a period up to thirty (30) days.

(e) A mobile food shop permit may be suspended or revoked for violations of Section 241.38. The permittee or applicant may appeal a suspension, revocation, or disapproval of a permit to the Commissioner of Assessments and Licenses within 20 days of the date of notice of suspension, revocation, or disapproval. The permittee or applicant may appeal the Commissioner's decision to the Board of Zoning Appeals established pursuant to Charter Section 76-6. Notice of such appeal shall be in writing and shall be filed with the Board within ten days from the date of the written decision of the Commissioner.

(f) If a food license has been revoked due to a violation of any of the laws set forth in this section, then such food shop may not reapply for a license or permit to operate such a business at the same location for a period of six (6) months after the date of revocation

Section 241.07 Display of License and Permit

Every license issued according to this chapter shall be displayed in a conspicuous place upon the wall and close to the entrance of the premises where such business is conducted. Food vehicles shall have displayed the name and address of the business on the side of such vehicle in letters at least two inches high and shall have displayed the vehicle permit plate issued by the Commissioner of Assessments and Licenses.

Section 241.32 Enforcement Requiring Extra Services; Costs

Whenever the enforcement of the provisions of this chapter requires extraordinary services, the person, firm or corporation requesting such extraordinary services shall pay the cost of such services as determined by the Department of Public Health.

Section 241.99 Penalty

(a) Whoever violates Section 241.05 is guilty of a misdemeanor of the third degree on a first offense; for a second offense or subsequent offense, such person is guilty of a misdemeanor of the second degree. Each Day the violation continues is a separate offense.

(b) Whoever violates Sections 241.36, 241.37, or 241.38 is guilty of a minor misdemeanor, and shall be fined not less than one hundred fifty dollars (\$150.00). The fine set forth herein is mandatory and shall not be suspended by the court in whole or in part. Each day upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

(1) In addition to any other method of enforcement provided for in this chapter, the provisions of division (b) of this section may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(2) If the offender persists in improper operations after reasonable warning or request to desist, improper operations is a misdemeanor of the first degree.

(c) Unless otherwise specified in this chapter, whoever violates any of the provisions of this chapter, or of any ordinance amending or supplementing such provisions, shall be guilty of a first degree misdemeanor and fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

Section 508.01 Definitions

When used in this Chapter, the following words shall have the following meanings:

(a) "Central Business District" means the area defined in Section 325.10 of the Codified Ordinances.

(b) "Commissary" means a licensed food facility regulated by a governmental entity where food is stored, prepared, portioned, or packaged, or any combination thereof, and where such food is intended for consumption at another establishment or place.

(c) "Community event" means an event specifically approved granting use of street and sidewalk areas within a specifically defined area for a period of time not exceeding ten (10) days to a community based organization.

(d) "Director" means the Director of Capital Projects or his or her designee.

(e) "Permit" means a temporary sidewalk occupancy permit authorized by Section 508.02 of the Codified Ordinances.

(f) "Permittee" means the person who owns the vending device permitted to occupy a stationary location on a sidewalk.

(g) "Sidewalk" means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line.

(h) "Vending device" means a container for the sale, display or transport of merchandise by a vendor, or food items by a mobile food shop, which has wheels and is capable of being moved by one person by muscular power.

(i) "Unobstructed Walk" means a clear, continuous paved surface free of tree grates, elevator grates and all vertical obstructions.

Section 508.03 Application for Permits

Application for a permit shall be made to the Director in a form deemed appropriate by him. Such application shall include, but not be limited to, the following information:

(a) Name and address of the applicant;

(b) A description of the vending device to be located on the sidewalk;

(c) The Ohio license number of the vending device, if applicable;

(d) A signed statement that the applicant is the owner of the vending device;

(e) The type of merchandise to be sold;

(f) Evidence that all required health licenses have been obtained;

(g) The location or alternative locations for which application for permit is made;

(h) A signed statement that the permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for

any claims or damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than fifty thousand dollars (\$50,000) for bodily injury for each person, one hundred thousand dollars (\$100,000) for each occurrence and not less than one hundred thousand dollars (\$100,000) for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall include the City of Cleveland, its officers and employees, as additional insured. Before conducting business at the location permitted by the Director, permittee shall include as an additional insured on the policies of insurance hereinabove required the owner of the property abutting the space between the prolongations of the boundary lines of the location which run perpendicular to the curbline to the property line of the same side of the street.

A separate application and permit shall be required for each vending device.

Section 508.05 Permitted Locations

(a) The Director shall compile a list of permitted locations where the presence of vending devices on the sidewalk would be compatible with the public interest in use of street and sidewalk areas as public right-of-way. The Director may modify the list from time to time as he or she deems necessary.

(b) In compiling the list of permitted location the Director may consider the width of the sidewalk; the proximity and location of existing street furniture, including but not limited to signposts, lamp posts, parking meters, bus shelters, benches, phone booths, and newspaper vending devices; the presence of bus stops, truck loading zones, and taxi stands; pedestrian and vehicular traffic patterns; and other factors he or she deems relevant.

(c) No permitted location shall be within ten (10) feet of another permitted location.

(d) No permitted location shall be designated where the clear, continuous, unobstructed sidewalk for the passageway of pedestrians is reduced to less than six (6) feet.

Section 508.07 Permitted Vending Devices

The Director shall issue a permit to the applicant only if the applicant's vending device meets all of the requirements of this section.

(a) The vending device does not occupy more than twenty-four (24) square feet of sidewalk space; and, as of the effective date of this section, a license has been approved by the Department of Public Health for the vending device.

(b) If the vending device has a heating apparatus, the vending device shall have been inspected and approved by the Fire Chief or his or her designee for compliance with provisions of the City's Fire Prevention Code and State of Ohio Fire Code.

Section 508.08 Requirements and Conditions of Permit

(a) Permittees and their agents shall comply with all of the requirements of this section while engaged in business at permitted locations:

(1) Each vending device shall be attended at all times by at least one individual, who shall be licensed pursuant to Chapter 675 and/or 241.

(2) The vending device shall be placed on the sidewalk only at the location set forth in the permit.

(3) Except as otherwise provided by Chapter 241, no vending device shall remain in its permitted location between the hours of midnight and 6:00 a.m., and no business shall be conducted from any permitted location between those hours.

(4) Permittees and their agents shall obey any lawful order of a police officer to remove their vending devices from the sidewalk if necessary to avoid congestion or obstruction in an emergency.

(5) Permittees or their agents selling food items from vending devices are required to obtain a food shop license under Chapter 241.

(6) Vending devices shall not be serviced or cleaned at residences or any other unapproved premises.

(7) Permittees and their agents shall be responsible for keeping the sidewalk area within twenty-five (25) feet of the permitted location free of litter. Permittees and their agents shall provide a suitable container for the placement of paper, wrappers, and other similar items by customers and others.

(8) The permit, including a map of the permitted location, shall be affixed to the vending device at all times that the vending device is located on the sidewalk.

(9) No permittee shall place upon any sidewalk, street or highway any stand, booth, rack, platform, table, chair, vehicle, or device of any kind, other than a vending device which complies with the provisions of Section 508.07.

(10) Permittees and their agents shall conduct business in compliance with all applicable provisions of the Codified Ordinances.

(11) No permittee or agent thereof shall conduct business in violation of the provisions of any ordinance providing for a community event.

(b) Permits issued by the Director shall be subject to the following conditions:

(1) Each permit shall be personal only and shall not be transferrable in any manner.

(2) Each permit is valid only when used at the location designated in the permit.

(3) The permit as it applies to a given location may be suspended by the Council or the Director for up to ten (10) days during the holding of a community event.

Section 508.09 Permit Suspension and Revocation

(a) The Director may suspend or revoke the permit of any permittee if the permittee or his or her agents fails to abide by the provisions of Section 508.08 or if any required health license has been suspended or revoked.

(b) The Director shall give written notice of suspension or revocation of the permit to the permittee or his or her agent stating the reasons therefor. If the reason for the suspension or

revocation is that a required health license has been suspended or revoked or that the permittee does not have a currently effective insurance policy as required by division (h) of Section 508.03, the action shall be effective upon giving such notice to the permittee or to his or her agent. Otherwise, such notice shall contain the further provision that the action shall become final and effective ten (10) days thereafter unless, within five (5) days of receipt of the notice, the permittee requests a hearing before the Director. The Director shall forthwith hold the requested hearing, at which time the permittee shall be afforded the opportunity to give his or her version of the facts which gave rise to the Director's action. After the hearing the Director shall determine whether to proceed with the action or to rescind it.

The action of the Director may be appealed in accordance with the provisions of the Charter.

Section 675.01 Definitions; Chapter Scope

(a) For purposes of this chapter:

(1) "Commissioner" means the Commissioner of Assessments and Licenses.

(2) "Street Vending" or "Vending" means selling, offering or displaying for sale, or soliciting another to purchase, for present or future delivery, any goods, wares, merchandise, subscriptions, services, pre-packaged frozen desserts, or any combination thereof from, in, upon, along, or through the highways, streets, or sidewalks, door-to-door on residential property, or in the open air or from a temporary shelter or vending device upon private property.

(3) "Street Vendor" or "Vendor" means any person who engages in street vending. "Vendor" does not include itinerant vendors or itinerant wholesale produce dealers licensed under Chapter 682 or food shops or food vehicles licensed pursuant to Chapter 241, unless such food shop or food vehicle licensed under Chapter 241 vends pre-packaged frozen desserts.

(4) "Person" means an individual, corporation, partnership or association; provided, however, that for purposes of Section 675.02, "person" shall mean a natural person only.

(5) "Sell" or "selling" includes barter or bartering.

(6) "Sidewalk" means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line.

(7) "Street" means street, alley, highway, roadway or avenue, including all curbs along such streets.

(8) "Vending device" means a container for the sale, display or transport of goods, wares, merchandise, or equipment used for menial tasks by a vendor, which has wheels and is capable of being moved by one person by muscular power.

(b) *Scope of Chapter.* The provisions of this chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, to bona fide sales of goods, wares, or merchandise by samples for future delivery, to sales at trade shows or conventions, or to sales by charitable organizations in conjunction with solicitations for charity.

(c) Nothing in this chapter shall be construed to prohibit the distribution

of non-commercial handbills, cards, leaflets, or other literature upon the sidewalks of the City.

Section 675.02 Street Vendor's License Required; Application

(a) No person shall engage in vending anywhere in the City without a vendor's license issued under Section 675.03. The issuance of a vendor's license to a person shall not be deemed to authorize agents or employees of the person to vend without a license.

(b) The application for the license required by division (a) of this section shall be made to the Commissioner on forms prescribed by the Commissioner. The application shall include the following information:

(1) the name and address of the applicant;

(2) a detailed description of the goods, wares, or merchandise that the applicant intends to sell; and

(3) such other information as the Commissioner deems necessary to ensure compliance with this chapter.

(c) In addition to the application required by division (a) of this section, each applicant for a vendor's license shall furnish two (2) photographs of the applicant taken within thirty (30) days before the date of application and of a size designated by the Commissioner.

(d) The annual license fee shall be sixty dollars (\$60.00) which shall cover the period beginning August 1 and ending July 31 of the following year.

Section 675.03 Street Vendor's License: Issuance and Replacement

(a) Upon receipt of a completed application and all other materials required by Section 675.02, the Commissioner shall issue to the applicant a vendor's license and a laminated identification card containing the applicant's photograph. The identification card shall be worn by and the license shall be kept upon the person of the vendor at all times during which the vendor is engaged in vending.

(b) The license issued pursuant to division (a) of this section shall contain the following information:

(1) The vendor's name and address;

(2) a detailed description of the goods, wares, or merchandise which the vendor is authorized to sell;

(3) the license number and the license expiration date.

(c) In the event that a licensed vendor loses the laminated identification card issued pursuant to division (a) of this section, the Commissioner shall issue a replacement identification card upon payment by the vendor of a fee of ten dollars (\$10.00).

Section 675.04 Permits Required

A permit is required in each of the following circumstances when vending is occurring upon the highways, streets, or sidewalks, or to business invitees upon or from private property:

(a) No person shall engage in vending upon or from private property anywhere in the City without a permit issued in accordance with Section 675.05.

(b) No person shall engage in vending on the highways, streets or sidewalks within the Central Business District without a permit issued in accordance with Chapter 508 or with-

out a permit issued in accordance with Section 675.06.

(c) No person shall engage in vending while moving continuously from place to place on the highways, streets or sidewalks of the Central Business District without a permit issued in accordance with Section 675.06.

(d) No person shall engage in vending upon or from a fixed location on a sidewalk outside of the Central Business District without a permit issued in accordance with Section 675.07.

(e) No person shall engage in vending while moving continuously from place to place on the highways, streets, or sidewalks outside of the Central Business District without a permit issued in accordance with Section 675.08.

(f) No person shall engage in vending in more than five wards plus zones established under Section 241.37.

Section 675.041 Street Vendors Advisory Committee

There is established a Street Vendors Advisory Committee consisting of three members of Council, one of whom shall be designated as chairman, appointed by the President of Council; one member of the Division of Police, appointed by the Chief of Police; and one Assistant Director of Law, appointed by the Director of Law. The Committee shall assist vendors licensed under Section 675.03 to resolve problems relating to street sales and may communicate to the Council recommendations for the amendment of this chapter.

Section 675.05 Permit; Vending on Private Property

(a) *Application.* The application for the permit required by division (a) of Section 675.04 shall be made to the Commissioner. The application shall contain the following:

(1) the vendor's name, address and vendor's license number;

(2) the name and address of the owner of the private property upon which the vendor intends to vend;

(3) if the vendor is the owner of the private property, documentation of the vendor's ownership, and if the vendor is not the owner of the private property, documentation, signed by the property owner, of the vendor's right to vend on the property;

(4) the address of the private property on which the vendor intends to vend;

(5) a statement of the duration of the proposed vending activity and whether the applicant is seeking an annual permit or a short-term permit;

(6) a description of the vending device, if any, from which the vendor intends to vend, including its size and the distance from the vending device to public sidewalks, parking lots, driveways and other areas used or usable for vehicular travel or parking;

(7) a description of proposed trash storage and waste disposal methods, and a description of any electrical and water connections and any fuels or electrical generators to be used on the premises;

(8) unless the application is for a short-term vendor permit, a certification that the location of the vending device will meet all building setback requirements of the Zoning Code and will not interfere with the safe movement of vehicles or pedestrians on the subject property; and

(9) unless the application is for a short-term vending permit, if the applicant proposes to vend on a property located in a Design Review District or a Landmark District, the applicant shall also submit color photographs showing all sides of the vending device, if any, and a scaled drawing showing all proposed signs and decorative elements, including their placement, material, and color.

(b) *Council Notification.* On receipt of a permit application, the Commissioner shall notify the Council member in whose ward the proposed permit location lies that the application has been received.

(c) *Location of Vending Devices.* No person shall locate a vending device on private property so as to violate building setback requirements of the Zoning code or so as to interfere with the safe movement of vehicles or pedestrians on the subject property.

(d) *Building and Housing Referral.* The Commissioner shall refer all permit applications to the Director of Building and Housing for review and approval. As part of the review, the Director of Building and Housing shall determine whether or not the property on which the proposed vending is to be conducted is in a Design Review District, or a Landmark District, and shall report that determination to the Commissioner of Assessments and Licenses. The Director of Building and Housing shall not approve the application unless he or she finds that no provisions of the City's Building Code or Zoning Code will be violated by issuance of the permit, including without limitation, the following:

(1) set back requirements;

(2) use restrictions;

(3) if the vendor intends to operate from a "structure" within the meaning of the Building Code, those provisions of the Building Code applicable to "structures"; and

(4) if the vendor intends to operate from private property that is a parking lot, those portions of the Zoning Code that require that a specified number of parking spaces be available for the use of particular business.

(e) *Design Review.* If the vendor proposes to operate on a property which is located in a Design Review District, the Commissioner of Assessments and Licenses shall refer the permit application to the City Planning Commission for design review and approval. In the case of a property located in a Landmark District, the referral shall be made to the Landmarks Commission. Design review shall not be required if the vendor is proposing to vend under a short-term vending permit.

(1) In reviewing the application, the City Planning Commission or Landmarks Commission, as applicable, shall determine the appropriateness of any vending devices proposed to be used with respect to the following factors:

A. physical condition and state of repair;

B. compatibility with nearby structures in terms of color, placement, heights, and general design;

C. obstructions to or conflicts with vehicular or pedestrian traffic;

D. availability of electrical connections, and procedures for garbage and waste disposal; and

E. impacts on scenic views.

(2) The Director of the City Planning Commission or Secretary of the Landmarks Commission shall transmit the Commissioner's determination to the Commissioner of Assessments and Licenses within thirty (30) days of the referral of the application unless the Commission conducting the review has granted the applicant an extension in order to allow for submission of additional materials or revisions. The Commissions may seek advice from any designated local design review advisory committee.

(f) *Short-Term Permits.* If the vending activity is proposed to be conducted for a period of seven (7) days or less, the Commissioner may issue a short-term vending permit, except that if any person or persons have obtained a short-term vending permit for a particular location on four prior occasions in a given permit year, which shall commence August 1 and end July 31 of the following year, then no person shall be issued a fifth or subsequent short-term vending permit for the same location in that permit year. As used in this division, a "particular location" shall mean a property or group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as to house or building number and street name.

(g) *Permit Issuance and Fee.* On receipt of a completed application approved by the Director of Building and Housing and approved, if required, by the City Planning Commission or the Landmarks Commission, and on receipt of the applicable permit fee established by this division, the Commissioner of Assessments and Licenses shall issue a permit which shall cover either a period of seven (7) days or a period of one year, commencing August 1 and ending July 31 of the following year. The fee shall be seventy five dollars (\$75.00) for a seven-day permit and three hundred seventy five dollars (\$375.00) for a one-year permit.

(h) *Display of Permit.* The permit shall be kept on the vending device, truck, or structure at all times during which the vendor is engaged in vending, and shall contain the following information:

(1) the vendor's name and address;

(2) the address of the private property on which the vendor is authorized to vend;

(3) the name and address of the owner of the private property;

(4) a description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and

(5) the permit number and permit expiration date.

(i) *"Vending Device" Defined.* As used in this section, "vending device" has the same meaning as in Section 675.01, and shall also include temporary structures, trailers, and other vehicles, carts, stands, and other devices from which vending can be conducted, or which can be used to display goods.

Section 675.06 Permit; Zones Within the Central Business District

(a) In addition to the temporary sidewalk occupancy permits issued under Chapter 508, the Director of Capital Projects is authorized to issue permits to vend in zones in the Central Business District established by

the Director in which the holders of the permits may vend on such days, at such times of day, and under the conditions that the Director determines. The zones shall be created by regulation taking into account the following factors:

(1) pedestrian and vehicular traffic patterns, including possible congestion during special events and sporting events;

(2) proximity to special events and sporting events occurring in the Central Business District and at the lake-front;

(3) proximity to retail establishments; and

(4) other factors deemed relevant by the Director of Capital Projects.

(b) The application for the permit authorized by division (a) of this section shall be made to the Director of Capital Projects on forms prescribed by the Director. The application shall contain the following:

(1) the vendor's name, address, and vendor's license number;

(2) a description of the vending device, truck, or temporary structure, if any, from which the applicant intends to vend, including its size;

(3) the zone or zones for which a permit is sought; and

(4) a description of the items to be offered for sale.

(c) On receipt of a completed application and an annual permit fee of one hundred twenty-five dollars (\$125.00) per zone or a daily permit fee of thirty dollars (\$30.00), the Director of Capital Projects shall issue the appropriate permit. An annual permit shall cover the period commencing August 1 and ending July 31 of the following year.

(d) The permit shall be kept on the vending device, truck, or structure at all times during the time the vendor is engaged in vending and shall contain the following information:

(1) the vendor's name and address;

(2) a statement of the zone or zones in the Central Business District to which the vendor is restricted;

(3) a description of the vending device, truck, or temporary structure, if any, from which vending is authorized, including its size; and

(4) the permit number and permit expiration date.

(e) The Director of Capital Projects may issue rules and regulations to carry out the purposes of this section.

Section 675.07 Permit; Temporary Sidewalk Occupancy Outside the Central Business District

(a) The application for the permit required by division (d) of Section 675.04 shall be made to the Director of Capital Projects on forms prescribed by the Director. On receipt of a permit application, the Director of Capital Projects shall notify the Council member in whose ward the proposed permit location lies that the application has been received. The application shall contain the following:

(1) the vendor's name, address, and vendor's license number;

(2) a sketch and narrative indicating the location for which the permit application is being made, with sufficient detail to enable the Director of Capital Projects to verify the placement of the temporary vending device in accordance with the criteria contained in Section 675.09;

(3) a description of the vending device, truck, or temporary structure, if any, from which the applicant

intends to vend, including its size; and

(4) a copy of an ordinance of Council specifying the location described in division (a) (2) of this section and authorizing the vendor to vend from that location.

(b) On receipt of a completed application and a permit fee of one hundred dollars (\$100.00), the Director of Capital Projects shall issue a permit which shall cover the period beginning August 1 and ending July 31 of the following year.

(c) The permit shall be kept upon the vending device, truck, or structure at all times during which the vendor is engaged in vending, and shall contain the following information:

(1) the vendor's name and address;

(2) the address or description of the location that the vendor intends to vend;

(3) the number and passage date of the ordinance described in division (a) (4) of this section;

(4) a description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and

(5) the permit number and permit expiration date.

Section 675.08 Permit; Mobile Vending Outside the Central Business District

(a) The application for the permit required by division (e) of Section 675.04 shall be made to the Director of Capital Projects on forms prescribed by the Director. On receipt of a permit application, the Director of Capital Projects shall notify the Council member or members in whose ward or wards the vendor intends to vend that the application has been received. The application shall contain the following:

(1) the vendor's name, address, and vendor's license number;

(2) a statement that the vendor intends to move continuously from place to place upon those highways, streets, or sidewalks that are located outside of the Central Business District. The statement shall specify the ward or wards in which the vendor intends to vend;

(3) a copy of the ordinance of Council specifying the ward or wards in which the vendor is authorized to vend; and

(4) a description of the vending device, truck, or temporary structure, if any, from which the applicant intends to vend, including its size.

(b) On receipt of a completed application and a permit fee of one hundred dollars (\$100.00), the Director of Capital Projects shall issue a permit which shall cover the period beginning August 1 and ending July 31 of the following year.

(c) The permit shall be kept upon the vending device, truck, or structure at all times during which the vendor is engaged in vending and shall contain the following information:

(1) the vendor's name and address;

(2) the ward or wards in which the vendor is authorized to vend;

(3) the number and passage date of the ordinance described in division (a) (3) of this section;

(4) a description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and

(5) the permit number and permit expiration date.

Section 675.09 Regulations Governing Vendors

(a) For purposes of this section:

(1) "Merchandise" means goods or wares, and does not include food or beverages other than pre-packaged frozen desserts.

(2) "Street" means street, alley, highway, roadway, or avenue.

(b) No vendor shall sell or display merchandise:

(1) to the occupants of vehicles stopped in traffic;

(2) from any vehicle, structure, or device that is situated in any portion of a street which is designed or ordinarily used for vehicular travel; or

(3) at a location or in a manner that hinders or restricts access to a telephone booth, mail box, parking meter, police or fire call box, traffic control box, fire hydrant, or sidewalk elevator, or that blocks, obstructs, or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or streets.

(c) Unless the Director of Capital Projects makes a determination to the contrary, which determination is reflected in the location specified on a permit issued in accordance with this chapter, no vendor shall sell or display merchandise:

(1) at any location where the sidewalk is less than ten (10) feet in width;

(2) within ten (10) feet of a crosswalk;

(3) within that portion of a sidewalk bounded by the prolongation of each intersecting abutting property line to the respective curblines or within ten (10) feet thereof;

(4) within ten (10) feet of any doorway or the prolongation of any doorway width to the curbline; or

(5) within twenty (20) feet of another permitted location, provided however, that the distance between locations permitted pursuant to Section 675.06 shall be in accordance with the rules and regulations promulgated by the Director of Capital Projects under division (e) of Section 675.06.

(d) No vendor shall display merchandise or place lines or other devices for the display of merchandise on any building or on any utility pole, planter, tree, trash container, or other sidewalk fixture.

(e) A vendor who has received a permit to vend upon private property shall not encroach into any street or sidewalk in any way.

(f) No vendor shall place any merchandise in or upon any street or sidewalk, and all vendors shall exercise reasonable care to ensure that their merchandise, packaging, display equipment or other paraphernalia does not create a health or safety hazard to customers, other users of the sidewalks and streets, or persons on abutting property.

(g) No vendor shall engage in vending door-to-door on residential property between the hours of 7:00 p.m. and 9:00 a.m.

(h) No vendor shall leave a vending device unattended at any time, leave a vending device on a sidewalk between the hours of midnight and 6:00 a.m., or conduct business on a sidewalk between those hours.

(i) A vendor who has received a permit to vend on public property shall obey any lawful order of a police officer to remove himself or herself and his or her vending device entirely from the sidewalk to avoid congestion or obstruction during an emergency.

(j) A vendor who is required to move continuously from place to place shall locate any vending device, equipment and merchandise adjacent and parallel to a curb when stopped for a sale.

(k) No vendor shall make any loud or unreasonable noise for the purpose of advertising or drawing attention to merchandise or for any other purpose.

(l) All vendors shall comply with all requirements of applicable state and local law, including, without limitation, the City's Fire Prevention Code and State of Ohio Fire Code.

(m) No person shall vend pre-packaged frozen desserts within the City who has been convicted of or pled guilty to any of the following criminal offenses:

(1) any offense involving a minor;
 (2) any sexually oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;

(3) any assault within seven years after service of sentence after conviction or guilty plea; and

(4) unlawful possession of weapons within five years after conviction or guilty plea; and

(5) any homicide offense in Ohio Revised Code Chapter 2903 or any substantially similar homicide offense under any municipal or state law.

(n) Any applicant for a license or permit under this Chapter to vend pre-packaged frozen desserts shall list on the application their name, address, date of birth, and social security number, and shall provide an affidavit stating that the applicant has not been convicted of or pled guilty to any of the criminal offenses listed in subdivision (m). Any employer applying for a permit to vend pre-packaged frozen desserts shall list the name, address, date of birth, and social security number of each employee or person who will be vending pre-packaged frozen desserts.

(o) The Commissioner of Assessments and Licenses shall refuse to grant a license or permit under this Chapter to vend pre-packaged frozen desserts or shall revoke a license or permit under this Chapter to vend pre-packaged frozen desserts, for any one or more of the following reasons:

(1) the applicant has been convicted of or pled guilty to any criminal offense involving a minor or any other criminal offense listed in division (m);

(2) the applicant fails to provide the information required by division (n);

(3) the applicant makes or made a false statement in the license or permit application; or

(4) the applicant fails to report a conviction that occurs during the license or permit period.

(p) No person shall vend pre-packaged frozen desserts without posting the permit in a conspicuous location in each vehicle used to vend pre-packaged frozen desserts.

(q) On every permit to vend pre-packaged frozen desserts, the Commissioner of Assessments and Licenses shall list the name of each employee or individual authorized to vend pre-packaged frozen desserts on behalf of the applicant.

(r) There shall be no vending of pre-packaged frozen desserts after 9:00 p.m.

Section 675.10 Revocation or Suspension of License or Permit; Appeals

(a) The Commissioner may at any time revoke or suspend any license or permit granted by the Commissioner under the authority of this chapter for failure to comply with the terms of this chapter or with any law, rule or regulation relating to vendors or the conduct of their business.

(b) The Director of Capital Projects may at any time revoke or suspend any permit granted by said director under the authority of this chapter for failure to comply with the terms of this chapter or with any law, rule or regulation relating to vendors or encroachments in the rights-of-way of the City.

(c) In case of the refusal to issue a license or permit or the revocation or suspension of a license or permit by the Commissioner or by the Director of Capital Projects, the applicant or licensee may appeal the Commissioner's or Director's action to the Board of Zoning Appeals, established under Charter Section 76-6. Notice of such appeal shall be in writing and shall be filed with the Board within ten (10) days from the date of the Commissioner's or Director's action. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, disapprove or modify the Commissioner's or Director's action, and the Board's decision shall be final.

Section 675.99 Penalty

(a) Whoever violates any of the provisions of this chapter is guilty of improper vending, a minor misdemeanor, and shall be fined one hundred fifty dollars (\$150.00). The fine set forth herein is mandatory and shall not be suspended by the court in whole or in part. Each day upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

(b) In addition to any other method of enforcement provided for in this chapter, the provisions of division (a) of this section may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) If the offender persists in improper vending after reasonable warning or request to desist, improper vending is a misdemeanor of the first degree.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 241.01, 241.02, and 241.03, as enacted by Ordinance No. 2163-01, passed May 20, 2002,

Section 241.05, as amended by Ordinance No. 2303-04, passed January 24, 2005,

Sections 241.06, 241.07, 241.32, and 241.99, as enacted by Ordinance No. 2163-01, passed May 20, 2002

Sections 508.01, 508.03, 508.05, and 508.07, as enacted by Ordinance No. 1611-83, passed June 27, 1983,

Section 508.08, as amended by Ordinance No. 1428-92, passed July 22, 1992, Section 508.09, as enacted by Ordinance No. 1611-83, passed June 27, 1983,

Section 675.01, as amended by Ordinance No. 1158-09, passed October 5, 2009,

Section 675.02, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 675.03, as amended by Ordinance No. 1428-92, passed July 22, 1992,

Section 675.04, as amended by Ordinance No. 1158-09, passed October 5, 2009,

Section 675.041, as enacted by Ordinance No. 1612-83, passed June 27, 1983,

Sections 675.05, 675.06, 675.07, and 675.08, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 675.09, as amended by Ordinance No. 1203-10, passed November 29, 2010,

Section 675.10, as amended by Ordinance No. 1670-92, passed August 19, 1992, and

Section 675.99, as amended by Ordinance No. 137-A-91, passed June 17, 1991

are repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 241.051, 241.36, 241.37, and 241.38 to read as follows:

Section 241.051 Food Vehicle Permit; Fee

(a) No business vehicle used regularly for the transportation or delivery of food, except a commercial carrier transporting food incidental to other deliveries, shall transport or deliver food in the City without the owner or lessee first obtaining an annual food vehicle permit for the vehicle.

(b) For a food vehicle permit the annual fee shall be twenty-five dollars (\$25.00).

(c) Food vehicle permits shall expire not later than the last day of February of the next ensuing year after issuance, and they shall not be transferable except upon the sale or disposition of the food vehicle. A permit shall not be transferred more than once in a licensing period.

(d) The Commissioner of Assessments and Licenses shall submit all applications for a food vehicle permit to the City of Cleveland Director of Public Health for approval or disapproval of the application.

Section 241.36 Mobile Food Shops - Area Restrictions and Regulations

(a) No mobile food shop shall operate outside an organized vending zone in contravention of the regulations provided by Section 241.38 of this Chapter and other rules and regulations promulgated under Section 241.01.

(b) No mobile food shop shall operate inside an organized vending zone in contravention of the regulations provided by Section 241.38 and other rules and regulations promulgated under Section 241.01, except as such

regulations are modified by the Director of Capital Projects in establishing the organized vending zone.

Section 241.37 Mobile Food Shops – Organized Vending Zones

(a) The Director of Capital Projects, in consultation with the Director of Planning, is authorized to establish organized vending zones, upon written approval of the council person representing the ward in which the organized vending zone shall be located, wherein the holders of a food shop license may operate on such days, at such times of day, and under the conditions that the Director determines. The zones shall be created by regulation taking into account the following factors:

(1) pedestrian and vehicular traffic patterns, including possible congestion during special events and sporting events;

(2) proximity to special events and sporting events;

(3) proximity to permanent food establishments; and

(4) other factors deemed relevant by the Director of Capital Projects.

(b) The regulations establishing organized mobile food shop vending zones shall first be published in The City Record with the effective date and may be rescinded in the same manner.

(c) In establishing organized vending zones, the Director of Capital Projects may provide additional or contrary regulations that may be in variance with those provided for by section 241.38(b) of this chapter.

(d) An established organized vending zone may be dissolved in the same manner as it is created or by a vote of Council.

(e) The Director of Capital Projects may issue rules and regulations to carry out the purposes of this section. Such rules and regulations shall be published in The City Record and become effective seven (7) days after publication.

Section 241.38 Mobile Food Shops – Regulations

(a) No mobile food shop shall sell food items, display food items, or conduct vending operations:

(1) to the occupants of vehicles stopped in traffic;

(2) from any trailer, including a trailer hitched to a motor vehicle, structure or other device, that is situated in any portion of a street which is designed or ordinarily used for vehicular travel, except a motorized vehicle on the portion of a street where and during the hours that parking is permitted;

(3) at a location or in a manner that hinders or restricts access to a telephone booth, mail box, parking meter, police or fire call box, traffic control box, fire hydrant, or sidewalk elevator, or that blocks, obstructs, or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or streets;

(4) from any portion of the sidewalk within the Central Business District without a proper permit pursuant to Chapter 508;

(5) from any vending device that does not comply with Code 58: Liquefied Petroleum Gas, as promulgated by the National Fire Protection Association; or

(6) from a vehicle, structure or device that is more than 40 feet in length.

(b) Unless the Director of Capital Projects makes a determination to the contrary, which determination is reflected in the scope of a zone established in accordance with this chapter, no vendor shall sell or display food items:

(1) at any location where the sidewalk is less than ten (10) feet in width;

(2) within ten (10) feet of a crosswalk;

(3) within that portion of a sidewalk bounded by the prolongation of each intersecting abutting property line to the respective curblines or within ten (10) feet thereof;

(4) within ten (10) feet of any doorway or the prolongation of any doorway width to the curbline;

(5) within ten (10) feet of another mobile food shop;

(6) within one hundred (100) adjacent linear feet of a food service operation operating from a fixed and permanent location existing at the time of license issuance or renewal and during its hours of operation; or

(7) notwithstanding any provision to the contrary contained in chapter 508, on a sidewalk between the hours of 3:00 a.m. and 6:00 a.m.

(c) No vendor shall:

(1) display food items or place lines or other devices for the display of food items on any building or on any utility pole, planter, tree, trash container, or other sidewalk fixture;

(2) place any food items in or upon any street or sidewalk;

(3) use liquefied petroleum gas, or other flammable substances, without a required permit pursuant to Section 385.18;

(4) leave a vending device unattended at any time;

(5) make any loud or unreasonable noise for the purpose of advertising or drawing attention to its food shop operations or for any other purpose; or

(6) conduct business without making available a container suitable for the placement of litter;

(7) throw or deposit any merchandise, packaging, containers, fat, grease, paper or other litter on any streets or sidewalk or in any sewer; or

(8) place or affix any advertising material and signage to any location other than flat upon the vending device being used in its operations.

(d) All vendors:

(1) shall obey any lawful order of a police officer to remove himself or herself and his or her vending device entirely from the sidewalk to avoid congestion or obstruction during an emergency;

(2) comply with all requirements of applicable state and local law, including, without limitation, the City's Fire Prevention Code, the State of Ohio Fire Code, and the City's Traffic Code;

(3) selling or offering pre-packaged frozen desserts shall first be licensed as otherwise required under Chapter 675 in addition to the license and/or permits required by this Chapter;

(4) selling merchandise or non-food items shall first obtain a license and permit pursuant to Chapter 675 in addition to the license and/or permits required by this Chapter;

(5) shall exercise reasonable care to ensure that their operations do not create a health or safety hazard to customers, other users of the side-

walks and streets, or persons on abutting property; and

(6) Directly handling food must be free of communicable disease to reduce the risk of food borne disease transmission and adhere to all provisions of OAC 3717-1-02.1 pertaining to management and employee health.

(e) No mobile food shop shall operate on private property contrary to the requirements of this division.

(1) Any mobile food shop operating on private property must be the owner of the private property, and maintain documentation of the operator's ownership, or if the operator is not the owner of the private property, documentation, signed by the property owner, of the operator's right to operate on the property. Such documentation must be notarized and be readily available and produced upon demand by any City official.

(2) Except as provided in this division, no mobile food shop shall be located on private property closer than ten (10) feet from any public sidewalk, as measured from the sidewalk to the closest point on the mobile food shop. The mobile food shop, however, may be located closer than ten (10) feet to a public sidewalk if the vending device is set back at least twenty (20) feet from the inside edge of the tree lawn or, if no tree lawn exists, at least twenty (20) feet from the outside edge of the curb.

(3) No mobile food shop shall be located to impede ingress to or egress from any structure, nor be located within ten (10) feet of a fire exit or escape.

(4) A vendor who is operating upon private property shall not encroach into any street or sidewalk in any way.

(5) A mobile food shop operating on lands owned by the City must first obtain written permission from the Department of Public Works or the Department of Port Control, as applicable. Such use shall be conditioned upon compliance with this chapter and additional restrictions that may be imposed by the City.

(f) The Director of Capital Projects may issue additional rules and regulations to carry out the purposes of this section. Such rules and regulations shall be published in The City Record and become effective seven (7) days after publication.

Section 4. That Chapter 675 of the Codified Ordinances of Cleveland, Ohio, 1976, is renamed to "Street Vendors."

Section 5. That the Director of Public Health shall report to the members of Council on the effectiveness of this ordinance no later than September 28, 2011.

Section 6. That Sections 241.05, 241.051, 241.36, 241.37 and 241.38, as amended and enacted by this ordinance, shall expire and be of no further force and effect on November 28, 2011.

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.

Passed April 25, 2011.

Effective April 25, 2011.

Ord. No. 218-11.
By Council Members Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept one or more grants from Northeast Ohio Area Coordinating Agency for the Transportation for Livable Communities Grant Program; authorizing the Director to enter into one or more contracts with various entities 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 the City Planning Commission is authorized to apply for and accept one or more grants up to \$565,000, from Northeast Ohio Area Coordinating Agency to conduct the Transportation for Livable Communities Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the application's cover pages contained in the file described below.

Section 2. That the application's cover pages, File No. 218-11, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of the City Planning Commission is authorized to enter into one or more contracts or memoranda of understanding, as appropriate, with NOACA and the following entities to implement the grant as described in the file: Belaire-Puritas Development Corporation, Famicos Foundation, Detroit-Shoreway Community Development Corporation, Mount Pleasant Now Community Development Corporation, University Circle, Inc., MidTown Cleveland, Inc., Mount Pleasant Community Zone, and Kent State University Urban Design Collaborative.

Section 4. That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

Passed April 25, 2011.

Effective April 29, 2011.

Ord. No. 329-11.
By Council Members Conwell, Mitchell, Sweeney, Brady, Dow, Polensek and Cummins (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 676.06, 676.061, 676.062, 676.063, 676.064, 676.08 and 676.09 relating to the regulation of scrap metal dealers, recordkeeping requirements,

electronic reporting to the Division of Police, electronic recording of identification, special purchase items, exempt transactions, recordkeeping by secondhand dealers, and the sale of plastic crates or trays; to repeal existing section 676.06, as amended by Ordinance No. 66-08, passed June 2, 2008; to repeal Sections 676.08, 676.09, 676.10 and 676.11, as enacted by Ordinance No. 104769, passed November 9, 1936; and to amend Section 676.01, relating to definitions, as amended by Ordinance No. 66-08, passed June 2, 2008; and to amend Section 676.99, as amended by Ordinance No. 1304-97, passed December 14, 1998, relating to penalties.

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

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

Section 1. That Section 676.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 66-08, passed June 2, 2008, and Section 676.99, as amended by Ordinance No. 1304-97, passed December 14, 1998, are amended to read, respectively, as follows:

Section 676.01 Definitions; Junk Carts; Scope of Provisions

(a) As used in this chapter:

(1) "Junk" means old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined in section 3734.01 of the Revised Code. [RC 4737.05(A)]

(2) "Junk cart" means any vehicle in the streets of the City used for the purpose of collecting, transporting or selling junk.

(3) "Junk dealer" means anyone dealing in the purchase or sale of junk, except a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool licensed pursuant to RC Chapter 4738 or a scrap metal processor.

(4) "Junk yard" means an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk. For purposes of Section 676.13, "junk yard" includes "scrap metal processing facility." [RC 4737.05(B)]

(5) "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association. [RC 1.59(C)]

(6) "Scrap metal processor" means any person who processes iron, steel, or nonferrous scrap, and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

(7) "Scrap metal processing facility" means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes. [RC 4737.05(D)]

(8) "Secondhand dealer" means a person other than a scrap metal dealer as defined in section 676.06 that purchases, sells, exchanges, or receives secondhand articles of any kind other than special purchase articles as defined in section 676.06, scrap iron, and scrap metal. [RC 4737.01(B)]

(b) Any person who uses a vehicle for the purpose of collecting, transporting or selling any junk shall affix to a conspicuous and indispensable part of the vehicle a junk cart plate issued by the Commissioner of Assessments and

Licenses. The plate shall clearly set forth the official number of the junk cart and contain the words "Junk Cart" and the date of license expiration. The design or color of this plate shall be changed at the beginning of each license year. This division shall not apply to scrap metal processors who have obtained a license pursuant to Sections 676.02 through 676.04.

(c) This section shall not apply to persons dealing in the purchase or sale of secondhand pianos, books, magazines, rugs, tapestries, burlaps, paintings, drawings, etchings and engravings, nor to exchanges, returns or credits of merchandise where the article or articles exchanged, returned or credited are accepted in full or part payment for new merchandise; nor to persons who deal exclusively in heavy industrial equipment, furniture or secondhand automobiles.

Section 676.99 Penalties

Whoever violates divisions (b), (c), (d), (e) or (f) of Section 676.06, Section 676.061, division (a) of Section 676.064, Section 676.08, or any other provision of this chapter that does not specify another penalty is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third and any subsequent offense. Each day during which noncompliance or a violation continues shall constitute a separate offense.

Section 2. That existing Section 676.01, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 66-08, passed June 2, 2008, and existing Section 676.99, as amended by Ordinance No. 1304-97, passed December 14, 1998, are repealed.

Section 3. That existing Section 676.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 66-08, passed June 2, 2008, and existing Sections 676.08, 676.09, 676.10 and 676.11, as enacted by Ordinance No. 104769, passed November 9, 1936, are repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 676.06, 676.061, 676.062, 676.063, 676.064, 676.08 and 676.09 to read, respectively, as follows:

Section 676.06 Dealers in Scrap Iron, Metal, and Waste Materials to Keep Record of Transactions

(a) As used in this section and sections 676.061, 676.062, 676.063 and 676.064:

(1) "Scrap metal dealer" means the owner or operator of a business that purchases or receives scrap metal.

(2) "Special purchase article" means all of the following:

A. Beer kegs;

B. Cable, wire, electrical components, and other equipment used in providing cable service or any utility service, including, but not limited to, copper or aluminum coverings, housings, or enclosures related thereto;

C. Grave markers, sculptures, plaques, and vases made out of metal, the appearance of which suggest that the articles have been obtained from a cemetery;

D. Guard rails for bridges, highways, and roads; highway and street signs; street light poles and fixtures; manhole covers, water meter covers, and other similar types of utility access covers; traffic directional and control signs and light signals, metal marked with the name of a political

subdivision of the state, and other metal articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state;

E. Historical, commemorative, and memorial markers and plaques made out of metal;

F. Four-wheel metal carts, commonly referred to as "grocery carts," that are generally used by individuals to collect and transport consumer goods while shopping;

G. Four-wheel metal carts, commonly referred to as "metal bossies," that are used to transport or merchandise food products that are stored in crates, shells, or trays.

(3) "Common recycled matter" means bottles and other containers made out of steel, tin, or aluminum and other consumer goods that are metal that are recycled by individual consumers and not in the bulk or quantity that could be supplied or recycled by large business establishments. "Common recycled matter" does not include a metal tray used by a product producer, distributor, retailer, or agent of a product producer, distributor, or retailer as a means for the bulk transportation, storage, or carrying of retail containers of milk, baked goods, eggs, or bottled beverage products.

(4) "Consumer goods" has the same meaning as in section 1309.102 of the Revised Code.

(5) "Recyclable materials" means the metal materials described in division (b)(5) of this section, on the condition that those metal materials are not special purchase articles.

(6) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(b) Every scrap metal dealer shall maintain a record book or electronic file, in which the dealer shall keep an accurate and complete record of all articles purchased or received by the dealer in the course of the dealer's daily business. On and after the effective date of this amendment, every entry in the record book or electronic file shall be numbered consecutively. Every dealer shall maintain the record for each article purchased or received for a minimum period of one year after the date the dealer purchased or received the article. Said records shall contain all of the following:

(1) Name and residence of the person from whom said articles were purchased or received and a copy of that person's personal identification card;

(2) The date and time the scrap metal dealer purchased or received the articles;

(3) If the seller or provider of the articles arrives at the dealer's place of business in a motor vehicle, the license plate number of that motor vehicle along with the state that issued the license plate;

(4) For metal articles that are not recyclable materials, a full and accurate description of each article purchased or received by the dealer that includes identifying letters or marks written, inscribed, or otherwise included on the article and the name and maker of the article if known;

(5) For recyclable materials that are not special purchase articles, a scrap metal dealer shall use the following category codes to identify the recyclable materials that the dealer receives:

A. "Number one copper," which includes clean copper pipe, clean copper wire, or other number one copper that does not have solder, paint, or coating;

B. "Number two copper," which includes unclean copper pipe, unclean

copper wire, or other number two copper;

C. "Sheet copper," which includes copper roofing, copper gutters, copper downspouts, and other sheet copper;

D. "Insulated copper wire";

E. "Aluminum or copper radiators," which includes aluminum radiators, aluminum copper radiators, and copper radiators;

F. "Red brass," which includes red brass valves and other red brass;

G. "Yellow brass," which includes yellow brass fixtures, yellow brass valve and fitting, ornamental brass, and other yellow brass;

H. "Aluminum sheet";

I. "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;

J. "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;

K. "Clean aluminum wire";

L. "Unclean aluminum wire";

M. "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;

N. "Contaminated aluminum";

O. "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;

P. "Large appliances," which includes consumer and other appliances;

Q. "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;

R. "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;

S. "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;

T. "Catalytic converters";

U. "Lead";

V. "Electric motors."

(c) All journal brasses, and other railroad metals, other than purchases and sales under sections 4973.13 to 4973.16 of the Revised Code, shall be held by the dealer for a period of thirty days after being purchased or acquired.

(d) The records required under division (b) of this section shall be open for inspection by the representative of any law enforcement agency and the director of public safety or the director's designated representative during all business hours. A scrap metal dealer shall provide a copy of those records to any law enforcement agency that requests the records or to the director or director's representative, upon request. Records submitted to any law enforcement agency pursuant to this section are not public records for purposes of section 149.43 of the Revised Code. A person who claims to own a stolen article that may be identified in those records, or an agent of that person, who provides proof of having filed a stolen property report with the appropriate law enforcement agency, may request those records. The law enforcement agency shall provide those records upon a request made by such a person or that person's agent, but the law enforcement agency shall redact information that reveals the name of the seller of any article and the price the dealer paid for any arti-

cle the dealer purchased or the estimated value of any article the dealer received. The law enforcement agency shall determine which records to provide, based upon the time period that the alleged theft is reported to have taken place. A law enforcement agency may charge or collect a fee for providing records as required by this section.

(e) (1) No scrap metal dealer shall purchase or receive any metal articles from a person who refuses to show the dealer the person's personal identification card.

(2) The law enforcement agency that serves the jurisdiction in which a scrap metal dealer is located shall provide a list, as that agency determines appropriate, of the names and descriptions of persons known to be or who are suspected to be thieves or receivers of stolen property. No scrap metal dealer shall purchase or receive articles from any person identified on the list the dealer receives from the law enforcement agency.

(3) No scrap metal dealer shall purchase or receive any special purchase articles from any person who is under eighteen years of age.

(4) No scrap metal dealer shall purchase or receive any special purchase article without complying with division (b) of this section and division (b), (c), or (d) of section 676.061.

(5) No scrap metal dealer shall purchase or receive more than one catalytic converter per day from the same person except from a motor vehicle dealer as defined in section 4517.01 of the Revised Code.

(6) No scrap metal dealer shall treat a transaction as exempt from section 676.06 or 676.061 unless the seller provides evidence of satisfying division (d)(3) of section 676.063.

(f) Every scrap metal dealer shall post a notice in a conspicuous place on the dealer's premises notifying persons who may wish to transact business with the dealer of the penalties applicable to any person who does any of the following:

(1) Provides a false personal identification card to the dealer;

(2) With purpose to defraud, provides any other false information to the dealer in connection with the dealer's duty to maintain the records required under division (b) of this section;

(3) Violates section 2913.02 of the Revised Code.

(g) (1) Except as otherwise provided in the second paragraph of division (e) of this section, a chief of police, marshal, or other chief law enforcement officer, a sheriff, constable, or chief of police of a township police department or police district police force, and a deputy, officer, or employee of the law enforcement agency served by the marshal or the municipal or township chief, the office of the sheriff, or the constable is immune from liability in a civil action, including an action for defamation, libel, or slander, to recover damages for injury, death, or loss to persons or property or reputation allegedly caused by an act or omission in connection with compiling and providing the list required by division (e) of this section.

(2) The immunity described in division (g)(1) of this section does not apply to a person described in that division if, in relation to the act or omission in question, any of the following applies:

A. The act or omission was manifestly outside the scope of the person's employment or official responsibilities.

B. The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

C. Liability for the act or omission is expressly imposed by a section of the Revised Code.

[RC 4737.04]

Section 676.061 Duties With Respect to Special Purchase Articles

A scrap metal dealer shall do all of the following with respect to each special purchase article the scrap metal dealer purchases or receives:

(a) Comply with the requirements of this section in addition to complying with the requirements of section 676.06;

(b) Take a photograph of each special purchase article;

(c) Obtain from the seller or provider of the special purchase article proof that the seller or provider owns the special purchase article;

(d) If payment is rendered for the special purchase articles, issue a check for the purchase of the special purchase articles;

(e) Withhold payment for the purchase of the special purchase articles for a period of two days after the day the special purchase articles are purchased;

(f) If an asserted owner of stolen special purchase articles or that owner's agent provides proof of having filed a stolen property report with the appropriate law enforcement agency, make records describing special purchase articles the scrap metal dealer purchased or received after the alleged date of theft available for inspection to the asserted owner or owner's agent for a period of six months after the alleged date of theft of the articles, except that the scrap metal dealer shall withhold the name of the person from whom the special purchase articles were purchased or received and the amount paid for the special purchase articles.

[RC 4737.041]

Section 676.062 Electronic Recording of Identification

A scrap metal dealer and a person who purchases, sells, exchanges, or receives secondhand articles may use an electronic device that decodes and records information contained in the metallic strip on a personal identification card to record a person's name, address, and photograph in lieu of making a copy of a person's personal identification card to comply with the requirements of sections 676.08, 676.06 and 676.061, on the condition that the dealer or person retains that recorded information and makes it available in accordance with the requirements to make copies available under those sections. [RC 4737.042]

Section 676.063 Exempt Transactions

Sections 676.06 and 676.061 do not apply with respect to any of the following:

(a) The donation of articles to non-profit organizations or to any other person, on the condition that the person donating the articles receives no payment or any other valuable consideration in exchange for or due to donating the articles;

(b) The sale or donation of common recycled matter;

(c) Sales transacted between a scrap metal dealer and an organization that is exempt from federal taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 285, 26 U.S.C. 501(c)(3), as amended, and that collects, for its own fundraising purposes, scrap fer-

rous and nonferrous metals for recycling rather than disposal;

(d) Sales transacted between a scrap metal dealer and a government unit or another business, including a demolition company, public utility company, or another scrap metal dealer, on the condition that the government unit or business satisfies the following criteria:

(1) In the course of providing the government unit's or business's services to others or maintaining the government unit's or business's property, whether onsite or offsite, the government unit or business generates scrap ferrous and nonferrous metals for recycling rather than disposal.

(2) If the sales transaction involves a government unit, reference to the government unit as a bona fide unit of government can be readily found by the public.

(3) If the sales transaction involves a business, the business satisfies one of the following criteria:

A. The business is registered with the secretary of state.

B. The business has been issued a license under section 5739.17 of the Revised Code.

C. The business advertises its services in a newspaper of general circulation once a week for not less than six consecutive months or provides a receipt showing payment for such advertising, a telephone book, electronic media that is available to the public, or some other type of media that is owned and operated by a person other than the business and, if an individual operates the business, the individual advertising the business has a specific place of business that is not the individual's permanent home residence.

(4) The government unit provides proof of compliance with division (d)(2) of this section or the business provides proof of compliance with division (d)(3) of this section to the scrap metal dealer with whom the government unit or business transacts business.

(e) Sales transacted between a scrap metal dealer and a person whose primary business is to create products that result in bulk quantities of ferrous and nonferrous metal used for recycling rather than disposal.

(f) Sales of catalytic converters transacted between a scrap metal dealer and a motor vehicle dealer as defined in section 4517.01 of the Revised Code. [RC 4737.043]

Section 676.064 Scrap Metal Dealers to Electronically Submit to the Division of Police the Records of Transactions Required to be Kept

Findings. This Council finds that the only practicable way to review the large volume of records required to be kept by scrap metal dealers both by Chapter 4737. of the Revised Code and this chapter is in an electronic format. The requirement imposed upon scrap metal dealers by this section that they submit reports of their transactions to the Division of Police in an electronic format is complementary to the requirement of record-keeping already imposed by state law and furthers the same law enforcement purposes as the recordkeeping requirements.

(a) No scrap metal dealer shall fail to submit to the Division of Police each day the records of transactions required to be kept under Sections 676.06, 676.061, 676.062 and 676.063 utilizing a computer program to be provided by the Division of Police for use

by scrap metal dealers and accessible to them via the internet.

(b) The Director of Public Safety may issue rules and regulations to effectuate the electronic reporting requirement imposed by this section, which shall take effect 14 days after their publication in the *City Record*.

Section 676.08 Duty of Dealer in Secondhand Articles; Identification Required from Seller; Records

(a) "Personal identification card" means a current and valid driver's license, military identification card, state identification card issued under sections 4507.50 to 4507.52 of the Revised Code, or a state identification card issued by another state on the condition that that card contains information substantially similar to the information contained on a state identification card issued under sections 4507.50 to 4507.52 of the Revised Code and also contains a photograph of the person to whom the card is issued.

(b) A person other than a scrap metal dealer, as defined in section 676.06, purchasing, selling, exchanging, or receiving secondhand articles of any kind other than special purchase articles as defined in section 676.06 scrap iron, and scrap metal, shall post in a conspicuous place in or upon the person's shop, store, wagon, boat, or other place of business, a sign having the person's name and occupation legibly inscribed thereon, and shall keep a separate record book or electronic file in which shall be written, in the English language, at the time of the purchase or exchange of such articles, a description thereof, the name, description, and residence of the person from whom purchased and received, and the day and time when such purchase or exchange was made, and shall make and keep a copy of the person's personal identification card. Every entry shall be numbered consecutively, commencing with number one.

The purchaser shall retain the record book or electronic file and copies of personal identification cards for at least one year after the purchase or exchange date and shall make the record or file and copies available for inspection by any law enforcement officer at all reasonable times.

[RC 4737.01]

Section 676.09 Plastic Crates or Trays Used to Carry Milk or Baked Goods

(a) No person shall sell or purchase a plastic crate or tray that is used for the carrying of retail containers of milk or baked goods and that has embossed upon it a company logo.

(b) Whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree.

[RC 1333.71; RC 1333.99]

Section 5. That the electronic reporting requirements imposed upon scrap metal dealers by Section 676.064 as enacted by this ordinance shall take effect 120 days after the passage of this ordinance.

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

Passed April 25, 2011.

Effective April 29, 2011.

Ord. No. 332-11.

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

An emergency ordinance to enact Section 131.081 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to rates for rental of the City Hall Rotunda; and to amend Section 131.78 of the codified ordinances, relating to parking.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 131.081 to read as follows:

Section 131.081 Rental Fees for City Hall Rotunda

(a) The Director of Public Works may allow private parties to rent the City Hall Rotunda after normal business hours and on weekends provided that said parties secure a permit from the Director under Section 131.07 and pay the fees specified in division (b) of this section.

(b) Rental rates for the Rotunda shall be based on a four (4) hour period. The Director of Public Works shall assess and collect the following fees for the rental of the City Hall Rotunda:

- (1) A \$500.00 non-refundable deposit;
- (2) \$1,375.00 per four (4) hours of use; and
- (3) \$165.00 for each additional hour of use, or fraction thereof, prior to the event; and
- (4) \$320.00 for each additional hour of use, or fraction thereof, after the event.

(c) The City Hall Rotunda closes at 12:00 a.m. All events shall end at least one-half hour before closing.

(d) When a private party obtains banquet food and beverage service from a person or firm under contract with the City to provide concession services in the Rotunda, rental of the Rotunda shall be included in the price that the private party pays for such concession services, and no other charges for rental shall be imposed. When a private party obtains banquet food and beverage service from a person or firm other than one under contract with the City for those services, Rotunda rental shall be assessed and collected in accordance with division (b) of this Section.

(e) Net proceeds from fees collected from the rental shall be deposited into the fund or funds which are designated for use by the Office of Special Events and Marketing for Special Events and Marketing purposes.

Section 2. That existing Section 131.78 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1330-A-10, passed December 6, 2010, is amended to read as follows:

Section 131.78 Parking Fees

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges, which include tax, at the following parking facilities under the following schedule:

- (1) *Willard Park Garage:*
 - A. First hour or portion thereof \$2.25
 - B. Each additional half hour or portion \$1.25
 - C. Daily maximum rate from 6 a.m. to 11:00 p.m. up to \$10.00
 - D. Additional overnight charge from 11:00 p.m. to 6 a.m. up to \$10.00
 - E. General monthly rate up to \$125.00
 - F.1. Special monthly rate for City employees \$55.00
 - F.2. Special monthly rate for federal, state and county employees \$110.00
 - G. Special events (flat rate—pay enter) up to \$20.00
 - H. Charge for lost or stolen key card \$50.00
 - I. Late payment charge \$5.00
 - J. Early Bird Rate (time to be determined by the Director of Public Works) up to \$8.00
 - K. Special Event flat rate in conjunction with City Hall Rotunda rental (for weekend events) \$450.00
- (2) *Canal Basin Lot:*
 - A. Daily rate from 6 a.m. to 6:00 p.m. (flat rate—pay enter) up to \$2.00
 - B. General monthly rate (weekdays between 6 a.m. and 6 p.m.) up to \$40.00
 - C. Special events, weekdays between 6:00 p.m. and 6 a.m., weekends and holidays (flat rate—pay enter) up to \$10.00
 - D. Late payment charge \$5.00
 - E. Charge for lost or stolen key card \$50.00
- (4) *North Coast Municipal Parking Lot:*
 - A. Daily rate (flat rate—pay enter) up to \$3.50
 - B. City of Cleveland employees no charge
 - C. General monthly rate—non-City of Cleveland employees up to \$45.00
 - D. Special events (flat rate—pay enter) up to \$20.00
 - E. Charge for lost or stolen key card \$50.00
 - F. Late payment fee \$5.00

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Public Works up to the maximum specified.

(c) Monthly rate customer parking privileges at Willard Park Garage, Canal Basin Lot, and North Coast Municipal Parking Lot do not include entry to these garages and lots for special events held on weekends, holidays or after 6 p.m. on weekdays.

(d) Fees collected from the Willard Park Garage, Canal Basin Lot, and North Coast Municipal Parking Lot shall be credited to the Division of Parking Facilities Enterprise Fund for general operations.

(e) The Commissioner of Parking Facilities shall fix and collect the fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner's control until the Council and the Board of Control fix fee schedules for the parking facilities.

(f) Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall:

(1) Designate ten (10) parking spaces in Willard Garage located as close as practical to the entrance to City Hall to be assigned by the Director of Public Works to City employees with the greatest number of years seniority as a City employee;

(2) Designate a sufficient number of parking spaces located either in the North Mall Lot or in Willard Garage for City employees who are employed to clean City Hall and who begin work at 3:00 p.m. or later and work later than the closing of Willard Garage.

(g) In addition to the schedule contained in division (a) of this section, the Commissioner of Parking Facilities may enter into agreements with the sponsors of events that wish to reserve specific parking spaces in the Willard Park Garage, or the North Coast Municipal Parking Lot that provide for the payment by the sponsor of up to thirty dollars (\$30.00) per parking space.

Section 3. That existing 131.78 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1330-A-10, passed December 6, 2010, is repealed.

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

Passed April 25, 2011.

Effective April 25, 2011.

Ord. No. 357-11.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the 2011 Cleveland Youth Summer Employment 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 Utilities is authorized to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the 2011 Cleveland Youth Summer Employment Program, which will include painting fire hydrants and other assignments. If arranged by the Director of Public Utilities through negotiations with suburban communities, then the youth opportunities may include activities in those communities.

Section 2. That the cost of the contract or contracts authorized shall not exceed \$441,944.43 and be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002, RL 2011-45.

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

Passed April 25, 2011.

Effective April 29, 2011.

Ord. No. 358-11.
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 provide general environmental, health, safety, sustainability,

engineering, and other services needed for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, on an as-needed basis, for a period up to two years.

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

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

Section 1. That the Director of Public 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 professional services necessary to provide general environmental, health, safety, sustainability, and engineering services including but not limited to employee health and safety services, geotechnical services, industrial hygiene services, materials testing and analyses, water treatment process analyses, laboratory testing services, hazardous substance identification and analyses, forensic investigations, energy audits, environmental sampling and analysis, and other related professional consulting services needed for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, on an as-needed basis, for a period up to two years.

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 Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002, RL 2011-37.

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

Passed April 25, 2011.

Effective April 29, 2011.

Ord. No. 364-11.
By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the 2010 SAFER 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 Safety is authorized to apply for and accept a grant in the approximate amount of \$3,482,937, and any other funds that may become available during the grant term from the United States Department of Homeland Security to conduct the 2010 SAFER Grant; 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 grant award for the grant contained in the file described below.

Section 2. That the grant award for the grant, File No. 364-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed April 25, 2011.
Effective April 29, 2011.

Ord. No. 459-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to consent to assignment of Enterprise Zone Agreement No. 65521 from the Cleveland-Cuyahoga County Port Authority to 4500 Division LLC.

Whereas, under Ordinance No. 1058-05, passed June 6, 2005, as amended by Ordinance No. 2082-05, passed November 28, 2005, this Council authorized the Director of Economic Development to enter into an Enterprise Zone Agreement with the Great Lakes Towing Company for a ten-year, seventy-five percent tax abatement on certain real estate taxes as an incentive for Great Lakes Towing to build a new facility at 4500 Division Avenue; and

Whereas, 4500 Division Avenue is owned by the Cleveland-Cuyahoga County Port Authority; and

Whereas, because of the State requirement that cities can only enter into Enterprise Zone Tax Abatements with landowners, this Council authorized, under Ordinance No. 1730-07, passed November 12, 2007, that Contract No. 65521 be entered into with the Cleveland-Cuyahoga County Port Authority instead of Great Lakes Towing Company; and

Whereas, The Cleveland-Cuyahoga County Port Authority desires to sell the property to Great Lakes Towing Company and to assign all of their rights, obligations, and benefits under Contract No. 65521 to 4500 Division LLC, an affiliate of Great Lakes Towing Company; and

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

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

Section 1. That the Director of Economic Development is authorized to consent to the request of Cleveland-Cuyahoga County Port Authority and 4500 Division LLC to assign all rights, obligations, and benefits of Cleveland-Cuyahoga County Port Authority under Enterprise Zone Agreement No. 65521 to 4500 Division LLC once the facility is sold to 4500 Division LLC.

Section 2. That the Director of Economic Development is authorized to execute all documents and do all things necessary and appropriate to effect the consent to assignment. A copy of the assignment shall be filed in the Office of the Commissioner of Accounts.

Section 3. That this assignment shall be prepared by the Director of Law.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the mem-

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

Passed April 25, 2011.
Effective April 25, 2011.

Ord. No. 460-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, and to amend Sections 2, 4, and 6 of Ordinance No. 646-08, passed June 2, 2008, relating to funding for the Job Creation Incentive Grant Program, the Green Technology Business Grant Program, the Technology Business Grant Program, and the Downtown and City-wide Business Grant Program.

Whereas, under Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010 this Council authorized the creation of the Job Creation Incentive Grant Program; and

Whereas, under Ordinance No. 646-08, passed June 2, 2008, this Council authorized the creation of three new programs, to be funded under the Job Creation Incentive Grant Program; and

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

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

Section 1. That Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, is amended to read as follows:

Section 4. That the Incentive Payments shall be drawn from Fund Nos. 10 SF 526, 17 SF 006, and 17 SF 652 and paid to the Employers no later than March 31, of each year following the effective date of the applicable economic development agreement. Total contracts under this Section shall not exceed \$2,000,000. All Incentive Payments made under this ordinance shall be subject to appropriation. The Director of Economic Development is authorized to execute economic development agreements in a form similar to that provided in the file and such economic development agreements shall be consistent with the terms of this ordinance. Request No. RQS 9501, RL 2011-63.

Section 2. That existing Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, is repealed.

Section 3. That Sections 2, 4, and 6 of Ordinance No. 646-08, passed June 2, 2008, are amended to read as follows:

Section 2. That the cost of an agreement entered into with a for-profit employer under The Green Technology Business Grant Program shall not exceed \$50,000 per year, up to three years. The agreements shall be paid from funding authorized under Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010.

Section 4. That the cost of an agreement entered into with a for-profit employer under The Technology Business Grant Program shall not exceed \$50,000 per year, up to three years. The agreements shall be paid from funding authorized under Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010.

Section 6. That the cost of the agreement entered into under The Downtown Business Grant Program shall not exceed \$50,000 annually, up to three years. The agreements shall be paid from funding authorized under Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010.

Section 4. That existing Sections 2, 4, and 6 of Ordinance No. 646-08, passed June 2, 2008, are repealed.

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

Passed April 25, 2011.
Effective April 29, 2011.

Ord. No. 461-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for environmental assistance in connection with the proposed redevelopment of the former Brookpark landfill located at Kolthoff Road and I-X Center Drive; and authorizing the director to employ one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant project.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$750,000, from the State of Ohio Department of Development, or its successor or designee, for environmental assessment, remediation, and/or redevelopment assistance in connection with the proposed redevelopment of the former Brookpark landfill located at Kolthoff Road and I-X Center Drive, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grant, File No. 461-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant project.

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

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Economic Development, and certified by the Director of Finance.

Section 5. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

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

Passed April 25, 2011.

Effective April 29, 2011.

Ord. No. 473-11.

By Council Members Cimperman, J. Johnson and Mitchell.

An emergency ordinance repealing sections 235.01 through 235.09 and 235.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 279-A-86, passed February 9, 1987 relating to the Clean Indoor Air Act and to supplement the codified ordinances by enacting new Sections 235.01, 235.02 and 235.99 thereof relating to a smoking ban in city-owned outdoor areas and within 150 feet of city places of employment.

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. Sections 235.01 through 235.09 and 235.99, as amended by Ordinance No. 279-A-86, passed February 9, 1987, are hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 235.01, 235.02 and 235.99 thereof, to read as follows:

CHAPTER 235 SMOKING BAN - CITY PROPERTY

Section 235.01 Declaration of Non-smoking Places, Prohibition

(a) Pursuant to Section 3794.05 of the Revised Code, the City hereby declares any outdoor area owned and/or controlled by the City and not otherwise qualifying as a nonsmoking place under Chapter 3794 R.C., to be a nonsmoking place, except areas specifically designated by the Director of Public Works as a designated smoking area.

(b) No person shall refuse to immediately discontinue smoking in the outdoor areas declared nonsmoking places by this section when requested to do so by the Director of Public Health or his or her designee or any authorized City officer or employee.

(c) The Director of Public Health or Director of Public Works shall post "No Smoking" signs conspicuously at the ingresses and egresses of all outdoor areas declared nonsmoking places and shall post signs to designate smoking areas where appropriate.

(d) "Outdoor Area" means city-owned public parks, City-owned outdoor public recreation areas and City-owned swimming pools, and includes picnic shelters within City-owned parks and recreation areas; Public Square and all downtown Malls open to the public; and other City-owned areas adjacent to City-owned and occupied buildings that are used by the public not including the public right-of-way. "Outdoor Area" does not include the City-owned golf courses, North Coast Harbor, Voinovich Park, and 9th Street Pier, and City-owned fishing piers and breakwalls, City-owned cemeteries; and designated smoking areas at City airports as designated by the Director of Port Control and City buildings, as designated by the Director of Public Works.

Section 235.02 No Smoking in Areas Within 150 Feet of Entrances and Exits of City Places of Employment

(a) Smoking is prohibited within 150 feet of any entrance or exit of a City place of employment except as it affects real property not owned by the City or is otherwise permitted under RC Chapter 3794. A smoking area within the restricted zone at City airports as designated by the Director of Port Control, and City buildings, as designated by the Director of Public Works, are not included in this prohibition. No person shall refuse to immediately discontinue smoking if smoking within 150 feet of any entrance or exit of a City place of employment, when requested to do so by the Director of Public Health or his or her designee, or any authorized City officer or employee.

(b) The Director of Public Health shall post the prohibition set forth in division (a) on all "No Smoking" signs posted at any entrance and exit of City places of employment.

(c) "City place of employment" means an enclosed area under the direct or indirect control of the City that the City's employees use for work or any other purpose, and that may also be open to the public.

Section 235.99 Declaration of a Nuisance; Enforcement and Penalties

(a) Any violation of this chapter is declared to be a nuisance which affects and endangers the public

health. The Director of Public Health and any authorized City officer or employee who, upon information or by observation ascertains a violation of this chapter, may impose the penalties set forth in this section. Enforcement of this chapter is in addition to any other method of enforcement provided in these codified ordinances and state law.

(b) Whoever violates Sections 235.01(a) or 235.02(b) is liable to the City of Cleveland for a civil offense and shall receive a warning on the first offense; on the second offense, shall be fined \$150.00; on a third offense shall be fined \$250.00; and beginning with the fourth offense, shall be fined \$350.00 and each day a violation occurs shall be a separate offense. Any person charged with the commission of a civil offense under this section may appeal to the Director of Public Health, or his or her designee. The appeal shall be taken not later than 20 days from the date of the civil charge. Failure to file an appeal or pay the costs imposed within this time period shall constitute a waiver of the right to contest the charge and shall be considered an admission.

(c) The Director of Public Health may issue rules and regulations to carry out the provisions of these sections which shall be effective 30 days after their publication in the City Record.

Section 2. That sections 235.01, 235.02, and 235.99 as enacted by this ordinance shall take effect sixty days after the passage of this ordinance.

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

Passed April 25, 2011.

Effective April 25, 2011.

Ord. No. 474-11.

By Council Members Cimperman, J. Johnson and Mitchell.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 241.42, relating to foods containing industrially-produced trans fat restricted.

Whereas, dietary trans fat increases the risk of heart disease by elevating LDL "bad" cholesterol, and lowering HDL "good" cholesterol; and

Whereas, because a significant portion of dietary trans fat comes from food purchased at food shops, the presence of industrially-produced trans fat purchased at such establishments contributes to cardiovascular risk in Cleveland; and

Whereas, this Council finds that the presence of industrially-produced trans fat in foods prepared in food shops poses a threat to the public health; and

Whereas, this Council adopted Resolution No 12-07 on January 8, 2007 that encouraged the City of Cleveland's Department of Health and the Cuyahoga County Board of Health to study ways to reduce industrially-produced trans fats in citizens' diets and work towards banning them from restaurants, and further encouraged the Cleveland Municipal School Dis-

trict to ban these fats from being served in public schools; 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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 241.42 to read as follows:

Section 241.42 Foods Containing Industrially-Produced Trans Fat Restricted

(a) No foods containing industrially-produced trans fat, as defined in this section, shall be stored, distributed, held for service, used in preparation of any menu item or served in any food shop, as defined in Section 241.03(b) of this code or successor provision, except food that is being served directly to patrons in a manufacturer's original sealed package.

(b) For purposes of this section, a food shall be deemed to contain industrially-produced trans fat if the food is labeled as containing, lists as an ingredient, or has vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil. However, a food whose nutrition facts label or other documentation from the manufacturer notes the trans fat content of the food is 0 grams as labeled then it shall not be deemed to contain industrially-produced trans fat.

(c) Food shops shall maintain on site the original labels identifying the trans fat content or an affidavit provided the food supplier identifying the trans fat content of the food products supplied, or other approved alternative documentation for all food products:

(1) that are, or that contain, fats, oils or shortenings;

(2) that are, when purchased by such food shops, required by applicable federal and state law to have labels; and

(3) that are currently being stored, distributed, held for service, used in preparation of any menu items, or served by the food service establishment.

Documentation Instead of Labels. Documentation acceptable to the Director and based upon information. Documentation acceptable to the Director, from the manufacturers of such food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content, may be maintained instead of original labels.

Documentation required when food products are not labeled. If baked goods, or other food products restricted pursuant to subdivision (a) of this section, that are or that contain fats, oils or shortenings, are not required to be labeled when purchased, food shops shall obtain and maintain documentation acceptable to the Director and based upon information, from the manufacturers of the food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content.

(d) The Director of Public Health may make rules and regulations to secure proper enforcement of this section.

(e) Whoever violates this Section is liable to the City of Cleveland for a

civil offense and shall receive a warning on the first offense; on the second offense, shall be fined \$150.00; on a third offense shall be fined \$250.00; and beginning with the fourth offense, shall be fined \$350.00 and each day a violation occurs shall be a separate offense. Any person charged with the commission of a civil offense under this section may appeal to the Director of Public Health, or his or her designee. The appeal shall be taken not later than 20 days from the date of the civil charge. Failure to file an appeal or pay the costs imposed within this time period shall constitute a waiver of the right to contest the charge and shall be considered an admission.

(f) This section shall take effect on January 1, 2013 with respect to oils, shortenings and margarines containing industrially-produced trans fat that are used for frying or in spreads; except that the effective date of this section with regard to oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing industrially-produced trans fat, shall be July 1, 2013.

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

Passed April 25, 2011.
Effective April 25, 2011.

Ord. No. 502-11.

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the second option to renew Contract No. 69139 with Hylant Group to provide fire and extended property insurance for facilities and equipment, for the Division of Cleveland Public Power, Department of Public Utilities; and to enter into an amendment to Contract No. 69139 to provide additional services.

Whereas, under the authority of Ordinance No. 1169-08, passed September 29, 2008, the Director of Public Utilities entered into Contract No. 69139 with Hylant Group to provide fire and extended property insurance for facilities and equipment, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, Ordinance No. 1169-08 requires further legislation before exercising the second option to renew on this contract; and

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

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

Section 1. That the Director of Public Utilities is authorized to exercise the second option to renew Contract No. 69139 for an additional year at a cost not to exceed \$410,000 with Hylant Group to provide fire and extended property insurance for facilities and equipment, for the Division of Cleveland Public Power, Department of Public Utilities. This

ordinance constitutes the additional legislative authority required by Ordinance No. 1169-08 to exercise this option.

Section 2. That the Director of Public Utilities shall enter into an amendment to Contract No. 69139 with Hylant Group to provide for loss control services, including infrared and oil testing services, for the period to run coterminous with the option period authorized in Section 1 of this ordinance.

Section 3. That the costs of the option term and the amendment shall be paid from Fund No. 58 SF 001. (RQS 2004, RL 2011-50)

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

Passed April 25, 2011.
Effective April 29, 2011.

Ord. No. 505-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Ohio Emergency Management Agency for the 2010-13 Metropolitan Medical Response System Program; authorizing the Director to employ one or more professional consultants to implement the grant; authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals and Cuyahoga County; authorizing the purchase by one or more requirement or standard contracts of materials, equipment, services, and supplies, including training, conducting exercises, and program planning needed 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 Safety is authorized to apply for and accept a grant in the amount of \$317,419, from Ohio Emergency Management Agency to conduct the 2010-13 Metropolitan Medical Response System (MMRS) 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 notice of award for the grant contained in the file described below.

Section 2. That the notice of award for the grant, File No. 505-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County and other agencies, entities, or individuals to implement the grant as described in the file.

Section 5. That the Director of Public Safety is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant period of the necessary items of materials, equipment, services, and supplies, including training, conducting exercises, and program planning, needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 6. That the costs of the requirement 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 requisition 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 Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Section 9. That the cost of the contract or contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed April 25, 2011.
Effective April 29, 2011.

Ord. No. 506-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development for the 2011 Home Weatherization Assistance Program; and to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept a grant in the approximate amount of \$3,889,113, from the State of Ohio Department of Development to conduct the 2011 Home Weatherization Assistance Program; that the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 506-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance committee of this council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts with individual landlords, tenants, contractors, and various non-profit organizations, including but not limited to, Cleveland Housing Network, Cudell Improvement, Inc., Community Housing Solutions, Mt. Pleasant NOW Development Corporation, Fairfax Renaissance Development Corporation, and the Detroit Shoreway Community Development Organization, to provide weatherization assistance to low-income City residents through this program.

Section 4. That the costs of these contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed April 25, 2011.
Effective April 29, 2011.

Ord. No. 556-11.
By Council Member Sweeney.
An emergency ordinance authorizing the Commissioner of Purchases and Supplies to seek bids for print and mailing services for the Clerk of Council, Cleveland City Council.

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

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

Section 1. That the Commissioner of Purchases and Supplies is hereby authorized to seek bids for the requirements for a period of two years for the necessary items for print and mailing services for the Clerk of Council, to be purchased on a unit basis for Cleveland City Council. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Clerk may determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for two years. Said contract or contracts shall have two one year options to renew exercisable by the Clerk of Council.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase under the contract, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

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

Passed April 25, 2011.
Effective April 29, 2011.

Ord. No. 566-11.
By Council Member Miller.
An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Monica Cater to engage in peddling in Ward 10.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of Monica Cater to

engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow Monica Cater peddle in Ward 10; 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 consents, as required by, Section 675.07 of the Codified Ordinances to allow to Monica Cater to engage in mobile peddling in the public rights of way of Ward 10 at East 156th Street and Sylvia Avenue.

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

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

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

Passed April 25, 2011.
Effective April 29, 2011.

Ord. No. 569-11.
By Council Member Zone.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Detroit Shoreway Community Development Organization to stretch a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard, for the peri-

od from May 15, 2011 to June 14, 2011, inclusive, publicizing the Gordon Square Farmers' Market.

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 Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard for the period from May 15, 2011 to June 14, 2011, 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.

Passed April 25, 2011.
Effective April 29, 2011.

COUNCIL COMMITTEE MEETINGS

**Monday, May 2, 2011
9:30 a.m.**

Public Service Committee; Present: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, Keane, Pruitt, Sweeney. *Authorized Absence:* K. Johnson, Polensek.

2:00 p.m.

Finance Committee; Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook. Pro tempore: Zone.

**Tuesday, May 3, 2011
9:30 a.m.**

Community and Economic Development Committee; Present: Brancatelli, Chair; Dow, Vice Chair; Cimperman, J. Johnson, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Cummins.

1:30 p.m.

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

**Wednesday, May 4, 2011
10:00 a.m.**

Public Safety Committee Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Mitchell, Zone. *Authorized Absence:* Miller.

1:30 p.m.

Public Utilities Committee; Present: Kelley; Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

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