

The City Record

Official Publication of the Council of the City of Cleveland



December the Twelfth, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

| Ward | Name Residence | Address | Phone |
|------|----------------------|------------------------------|-------|
| 1 | Terrell H. Pruit | 16920 Throckley Avenue | 44128 |
| 2 | Zachary Reed | 3734 East 149th Street | 44120 |
| 3 | Joe Cimperman | P.O. Box 91688 | 44101 |
| 4 | Kenneth L. Johnson | 2948 Hampton Road | 44120 |
| 5 | Phyllis E. Cleveland | 2369 East 36th Street | 44105 |
| 6 | Mamie J. Mitchell | 12701 Shaker Boulevard, #712 | 44120 |
| 7 | TJ Dow | 7715 Decker Avenue | 44103 |
| 8 | Jeffrey D. Johnson | 9024 Parkgate Avenue | 44108 |
| 9 | Kevin Conwell | 10647 Ashbury Avenue | 44106 |
| 10 | Eugene R. Miller | 13615 Kelso Avenue | 44110 |
| 11 | Michael D. Polensek | 17855 Brian Avenue | 44119 |
| 12 | Anthony Brancatelli | 6924 Ottawa Road | 44105 |
| 13 | Kevin J. Kelley | 5904 Parkridge Avenue | 44144 |
| 14 | Brian J. Cummins | 3104 Mapledale Avenue | 44109 |
| 15 | Matthew Zone | 1228 West 69th Street | 44102 |
| 16 | Jay Westbrook | 1278 West 103rd Street | 44102 |
| 17 | Dona Brady | 1272 West Boulevard | 44102 |
| 18 | Martin J. Sweeney | 3632 West 133rd Street | 44111 |
| 19 | Martin J. Keane | 15907 Colletta Lane | 44111 |

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
Judge Pinkey S. Carr – Courtroom 12B
Judge Marilyn B. Cassidy – Courtroom 13A
Judge Michelle Denise Earley – Courtroom 12C
Judge Emanuella Groves – Courtroom 14B
Judge Anita Laster Mays – Courtroom 14C
Judge Lauren C. Moore – Courtroom 14A
Judge Charles L. Patton, Jr. – Courtroom 13D
Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B
Judge 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

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WEDNESDAY, DECEMBER 12, 2012

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CITY COUNCIL

MONDAY, DECEMBER 10, 2012

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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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:** Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook, Zone.

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:** Zone, Chair; Pruitt, 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:** Pruitt, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Kelley, Miller, Polensek, Westbrook.

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

December 5, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 5, 2012 at 10:54 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Absent: Mayor Jackson and Director Nichols.

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

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

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 645-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultant by Resource International, Inc. under Contract No. PS2011*188 for professional consulting services to provide general environmental, health, safety, sustainability, engineering, and other services needed for a period not exceeding two years, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities on an as-needed basis, is approved:

| <u>Subconsultant</u> | <u>Work Percentage</u> |
|------------------------------|------------------------|
| Air Compliance Testing, Inc. | \$8,000.00 |
| | 2.292% |

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 646-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Power Line Supply Company for an estimated quantity of Streetlighting Materials, Group C, Items 26-53, Group E, Items 65-78, Group H, Items 87-91, Group I-1, Items 92-97, Group L, Items 107-109, Group N, Items 111-122, and Group O, Items 123-126, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on July 11, 2012 under the authority of Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$5,192,236.25 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services as specified.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.
Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 647-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of RA Strauss Electric Supply Co. for an estimated quantity of Streetlighting Materials, Group C, Items 54-59, Group F, Items 79-82, Group I-2, Items 98-99, Group J, Items 100-102, Group M, Item 110, and Group T, Items 134-143, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on July 11, 2012 under the authority of Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$983,272.70 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services as specified.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.
Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 648-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Gatto Electric Supply for an estimated quantity of Streetlighting Materials, Group D, Items 60-64, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on July 11, 2012 under the authority of Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$478,905.30 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services as specified.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler,

Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.
Absent: Mayor Jackson and Director Nichols.

Resolution No. 649-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Consolidated Electrical Distributors, Inc. for an estimated quantity of Streetlighting Materials, Group K, Item 106, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on July 11, 2012 under the authority of Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$54,016.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services as specified.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.
Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 650-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The H. Leff Electric Company for an estimated quantity of Streetlighting Materials, Group A, Items 1-5, Group B, Items 6-25, Group Q, Item 130, and Group S, Item 133, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on July 11, 2012 under the authority of Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,248,380.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services as specified.

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

Be it further resolved that the employment of the following subcontractors is approved:

| <u>SUBCONTRACTORS</u> | <u>DOLLAR AMOUNT</u> | <u>PERCENTAGE</u> |
|-------------------------------|--------------------------|-------------------|
| Safeguard Associates. (CSB/M) | \$42,569.76 | 3.41% |

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.
Absent: Mayor Jackson and Director Nichols.

Resolution No. 651-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Quantum Engineering, Inc. for an estimated quantity of Streetlighting Materials, Group R, Items 131-132, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on July 11, 2012 under the authority of Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$3,992.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services as specified.

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

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.
Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 652-12.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on July 11, 2012 for the purchase of an estimated quantity of Streetlighting Materials, Group P, Items 127 through 129 for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.
Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 653-12.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 5, 2012 Construction and Renovation of the Energy Innovation Service Center for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 448-09, passed June 1, 2009, are rejected.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.
Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 654-12.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on October 17, 2012 for W. 6th St. Streetscape and Professor St. Intersections for the Mayor's Office of Capital Projects pursuant to the authority of Ordinance Nos. 1570-11 and 1571-11 passed by the Council of the City of Cleveland on December 5, 2011 are rejected.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 655-12.

By Director Cox.

Whereas, by Resolution No. 250-12, adopted on June 6, 2012, under the authority of Section 131.15(f) of the Codified Ordinances of Cleveland, Ohio, 1976, this Board of Control established the rental rates for use of the Cleveland Public Auditorium and Conference Center, its various rooms and halls and portions thereof, and

Whereas, the Friends of the Cleveland School of the Arts wishes to use the Music Hall in the Cleveland Public Auditorium on December 12, 2012 rent-free for The Cleveland School of the Arts Winter Concert; and

Whereas, the City is willing to allow the Friends of the Cleveland School of the Arts to use the Music Hall on December 12, 2012 without rent; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that notwithstanding and as an exception to the Public Auditorium rental rates established by Board of Control Resolution No. 250-12, adopted June 6, 2012, the Friends of the Cleveland School of the Arts may use the Music Hall of the Cleveland Public Auditorium on December 12, 2012 rent free for The Cleveland School of the Arts Winter Concert.

Be it further resolved that the City shall charge the Friends of the Cleveland School of the Arts the actual costs, at the prevailing rates, of any labor, materials, and equipment supplied.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 656-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 105-27-030 located at 1042 East 74th Street in Ward 7; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of

Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Verdella M. Bohannon has proposed to the City to purchase and develop the southerly portion of parcel 105-27-030 for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Verdella M. Bohannon for the sale and development of Permanent Parcel No. 105-27-030 (Southerly portion) located at 1042 East 74th 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 sale of 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 Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 657-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 105-27-030 located at 1042 East 74th Street in Ward 7; and

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

Whereas, Clifford and Idella Coster have proposed to the City to purchase and develop the northerly portion of parcel 105-27-030 for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. 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 the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Clifford and Idella Coster for the sale and development of Permanent Parcel No. 105-27-030 (Northerly portion) located at 1042 East 74th 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 sale of 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 Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 658-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 106-13-054 and 106-13-086 located at 1566 East 71st Street and Burnham Place in Ward 7; and

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

Whereas, Charles Durden has proposed to the City to purchase and develop the parcels for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Charles Durden for the sale and development of Permanent Parcel Nos. 106-13-054 and 106-13-086 located at 1566 East 71st Street and Burnham Place, 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 sale of the parcels shall be \$2.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 659-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 009-21-130 located at 4301 South Hills Drive in Ward 12; and

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

Whereas, Richard Greco 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 12 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Richard Greco for the sale and development of Permanent Parcel No. 009-21-130 located at 4301 South Hills Drive, 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 sale of 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 Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 660-12.

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program")

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 143-20-156 located at 4807 East 175th Street in Ward 1; and

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

Whereas, Ebony Hood has proposed to the City to purchase and develop the southerly portion of parcel 143-20-156 for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 1 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser 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 the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Ebony Hood for the sale and development of Permanent Parcel No. 143-20-156 (Southerly Portion) located at 4807 East 175th 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 sale of 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 Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 661-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 143-20-156 located at 4807 East 175th Street in Ward 1; and

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

Whereas, Elaine Martin has proposed to the City to purchase and

develop the northerly portion of parcel 143-20-156 for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 1 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Elaine Martin for the sale and development of Permanent Parcel No. 143-20-156 (Northerly Portion) located at 4807 East 175th 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 sale of 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 Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Nichols.

Resolution No. 662-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 143-02-001 located at 16202 Tarkington Avenue in Ward 1; 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 lease Land Reutilization Program parcels; and

Whereas, TRACS Community Center has proposed to the City to lease and develop the parcel for green space; and

Whereas, the following conditions exist:

1. The member of Council from Ward 1 has approved the proposed lease or has not disapproved or requested a hold of the proposed lease within 45 days of notification of it;

2. The proposed lessee 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 the 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 a lease for a term of five years which the Director of Community Development may terminate at the end of any term year upon 30 days' prior written notice, for and on behalf of the City of Cleveland, with TRACS Community Center for the lease and development of Permanent Parcel No. 143-02-001 located at 16202 Tarkington 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 lease of the parcel shall be \$1.00 per year, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Withers, Smith, Acting Director Scott, Directors Butler, Flask, Rush, Southerington, Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director 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

SCHEDULE OF THE BOARD OF ZONING APPEALS

NO APPEALS WILL BE HEARD ON DECEMBER 24, 2012

The regular Monday schedule for the Board of Zoning Appeals will resume on December 31, 2012.

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 10, 2012

At the meeting of the Board of Zoning Appeals on Monday, December 10, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-200: 2393 Professor Avenue
2393 Tremont LLC appealed to establish use as a restaurant/tavern in an existing two-story building in a C1 General Retail Business District.

Calendar No. 12-188: 2925 Jay Avenue
Michael Wojtanowski appealed to erect a 3,500 square foot, one family two-story house and three car garage on a corner lot in a B1 Two-Family District;

The following appeals were **DISMISSED:**

Calendar No. 12-189: 2277 East 49th Street PPN 104-24-063
Farid Elabed and Fatima Lange appealed from a decision of the Commissioner of Assessments and Licenses.

Calendar No. 12-190: 2256 East 55th Street PPN 103-24-080
Elabed, LLC appealed from a decision of the Commissioner of Assessments and Licenses.

Calendar No. 12-191: 2256 East 55th Street PPN 103-24-081
Elabed, LLC appealed from a decision of the Commissioner of Assessments and Licenses.

Calendar No. 12-192: 2276 East 55th Street PPN 103-24-084
Fatima Lange appealed from a decision of the Commissioner of Assessments and Licenses.

The following appeals were **POSTPONED:**

Calendar No. 12-159: 3136 West 63rd Street postponed to February 25, 2013.

Calendar No. 12-171: 3951 Rocky River Drive postponed to January 28, 2013.

The following appeals heard by the Board on December 3, 2012 were adopted and approved on December 10, 2012:

The following appeals were **APPROVED:**

Calendar No. 12-194: 7200 Brookpark Road
M&G Equities, a New York Partnership, owner, and HH Gregg appealed to erect single faced wall signs on a single story building in a C1 General Retail Business District.

Calendar No. 12-198: 1730 Starkweather Avenue
Cuyahoga County Land Reutilization owner, and Adam Sywanyk, prospective purchaser appealed to

erect an 8' x 19' wooden platform rear porch to a two-family dwelling in a C1 Multi-Family District.

Calendar No. 12-199: 2020 West 81st Street

Billy Hoselton appealed to erect a one-story frame, enclosed front porch to a single family dwelling in a B1 Two-Family District.

The following appeal was **DENIED:**

Violation Notice
Calendar No. 12-201: 516 East 108th Street
Natalie Poretzkiy appealed from a decision rendered by the City of Cleveland Parking Violations Bureau, Waste Collection and Photo Safety Division.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of December 5, 2012

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

* * *

Docket A-189-12.

RE: Appeal of Quest Property Management & Consulting, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 7919 Bellevue Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 3, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to submit a rehabilitation plan and obtain permits; and one hundred eighty (180) days, to complete abatement of the violations, failure to meet any of the deadlines will REMAND the property immediately to the Department of Building and Housing; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

* * *

Docket A-195-12.

RE: Appeal of Entrust Arizona LLC fbo Thomas Thatcher, Owner of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 870 Eddy Road

from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated July 17, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to submit plans and obtain permits, and six (6) months in which to complete abatement of the violations, and to grant partial occupancy upon completion of an individual unit, if approved by the inspector; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

* * *

Docket A-209-12.

RE: Appeal of James Abrams Jr., Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 1411 Lakeview Road, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 7, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain the required permits and six (6) months in which to complete abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-210-12.

RE: Appeal of Paul G. Glenn II, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 1076 East 125th Street, from a NOTICE OF VIOLATION — HVAC, dated July 31, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain permits and one hundred eighty (180) days in which to complete abatement of the violations, and to require that the grounds remain groomed and the building secured during this period of time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

Docket A-217-12.

RE: Appeal of Darlene Cooper Cammon, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3139 East 99th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 28, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to abide by the conditions of the permit issued by the Building Department, noting that the Appellant can obtain additional time from the Building Department if progress is satisfactory, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-227-12.

RE: Appeal of Gary Palmer, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 4090 East 67th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 14, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time, noting the history of the property and the lack of appearance at the hearing by the Appellant, 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, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-228-12.

RE: Appeal of Danny Williams, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Property located on the premises known as 9424 Holton & Ambler Avenue, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 11, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time, noting that no work has been done and the Appellant was not present for the hearing, 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. Saab.

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

* * *

Docket A-230-12.

RE: Appeal of Connie A. Freeman, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3613 East 54th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated August 22, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-230-12 has been POSTPONED; to be rescheduled for January 30, 2013.

* * *

Docket A-231-12.

RE: Appeal of Tyree J. Penman, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 10206 Manor Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 11, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to submit a plan and obtain the required permits and six (6) months in which to abate 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. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-232-12.

RE: Appeal of Emperial Properties, LLC, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Masonry Property, located on the premises known as 3022 East 116th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 27, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to submit plans and obtain the required permits, the timeline from that point is governed by the Ohio Building Code; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

Docket A-233-12.

RE: Appeal of Craig & Gloria Gates, Owners of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 10019-21 North Boulevard, from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated August 31, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to make the porch egress safe, to require that the Appellants and the inspector meet to determine the balance of work to be done, and to grant the Appellants six (6) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-234-12.

RE: Appeal of 1976 W. 44th LLC, Owner of the VL Vacant Lot One Story Garage - Detached; Wood Frame Property, located on the premises known as 1976 West 44th Street, from a CONDEMNATION ORDER — GARAGE, dated July 24, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DISMISS the appeal, noting that the Appellant must proceed with the Board of Zoning Appeals. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-235-12.

RE: Appeal of Robert Palmentera, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 6918 Polonia Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 31, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to uphold the status of the rehabilitation plan in the Building Department, and that the Appellant can proceed under the existing permits; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

Docket A-236-12.

RE: Appeal of Rita Brooks & Melvin Brooks, Owners of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 4092 East 74th Street, from a NOTICE OF VIOLATION — SURVEY, dated August 20, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to submit plans and obtain the required permits, and to grant the Appellant one hundred eighty (180) days in which to complete abatement of the violations or sixty (60) days in which to complete the demolition process; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-244-12.

RE: Appeal of Khao Dane Nguyen & Diana Diem Ly, Owners of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 1878 Woodlawn Avenue, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 20, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-244-12 has been POSTPONED; to be rescheduled for December 19, 2012.

* * *

Docket A-245-12.

RE: Appeal of Johnnie Benson, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 801 Alhambra Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 9, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-244-12 has been POSTPONED; to be rescheduled for December 19, 2012.

* * *

Docket A-246-12.

RE: Appeal of Donald Thompson, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 3621 East 46th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 31, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and to uphold the notice based on the evidence presented that the Appellant no longer owns the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-247-12.

RE: Appeal of Rosetta M. Wyar, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 6803 Hague Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 6, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-247-12 has been POSTPONED; to be rescheduled for December 19, 2012.

* * *

Docket A-277-12.

RE: Appeal of Frank Beckloff, Owner of the Residential Property located on the premises known as 4609 Grayton Street from a NOTICE OF VIOLATION — HVAC, dated October 22, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the condensing unit to remain in its present location, noting the concurrence of the affected neighbor. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-293-12.

Appeal of Steelyard Commons, LLC (Police Comfort Station), Owner of the Property located on the premises known as 3591 Steelyard Drive from an ADJUDICATION ORDER (OBC 1103.1: Accessibility: Where required), dated October 12, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the requested variance and permit the facility to be relocated without the ADA requirement, and that the variance can be maintained for future moves for the same use by the Police Department ONLY. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

Docket A-305-12.

Appeal of Walnut Reality Holding Co., LLC, Owner of the Property located on the premises known as 1801 East 9th Street, 13th Floor from an ADJUDICATION ORDER, dated November 19, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the use of an accessory hose cabinet sprinkler system on the 13th Floor as indicated on the drawings. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-308-12.

Appeal of Jacobs Entertainment, Owner of the Property located on the premises known as 1219 Main Avenue from an ADJUDICATION ORDER, dated November 15, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance requested to the material, noting that it conforms to the NFPA 701 requirement and to the nonconforming size of the sign, noting that no windows are blocked by the signs... Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab 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-187-12 — Woodbury Holdings, Inc.
- A-193-12 — MJ6 Properties LLC
- A-200-12 — Diane E. Cimino
- A-204-12 — Purnima Mehta
- A-207-12 — Aaron Sandeen
- A-208-12 — Adam Smith
- A-213-12 — Steven Saric
- A-214-12 — Theodore Parker
- A-216-12 — Bradford Cammon
- A-219-12 — Scranton-Averell, Inc.
- A-221-12 — Tod Grimm

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher 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):

November 21, 2012

Yeas: Messrs. Denk, Gallagher, Saab, Maschke. Nays: None. Not Voting: Mr. Bradley.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

REQUEST FOR PROPOSALS

The City of Cleveland, through its Director of Public Safety, is soliciting proposals from firms interested in providing Vehicle Salvaging Services. Dates of acceptance are from November 28, 2012 at 5:00 p.m. to December 20, 2012 at 5:00 p.m. There will be a **NON-MANDATORY** meeting on Friday, December 7, 2012 at 2:00 p.m. at City Hall, Room 230, 601 Lakeside Avenue, Cleveland, Ohio 44113.

The complete Request For Proposal can be found on the City of Cleveland website at (www.city.cleveland.oh.us). The contact person is Sgt. Keith L. Larson at (216) 623-5065.

November 28 and December 5, 2012
December 12, 2012 and December 19, 2012

REQUEST FOR PROPOSALS

The City of Cleveland through its Director of Public Safety is soliciting proposals from qualified consultants interested in providing professional services to the Cleveland Division of Police and Fire for a Record Management System Consultant. The services are needed to assist the Division of Police with an upgrade and the Division of Fire with implementation into the New World Record Management System. The RFP opened on Monday, December 3, 2012, and closes on Friday, January 11, 2013 at 3:00 pm. There will be a **NON-MANDATORY** meeting on Monday, December 17, 2012 at 1:00 p.m. at the Justice Center, Division of Police, 1300 Ontario Street, 7th Floor Police Academy, Cleveland, Ohio 44113.

For further information, requirements, deadline dates, and to review the request for proposal, see the City of Cleveland's website @ <http://portal.cleveland-oh.gov/portal/page/portal/CityofCleveland/HomeGovernment/CityAgencies/Finance/RFP>

December 5, 2012 December 12, 2012
and December 19, 2012

PUBLIC NOTICE

The City of Cleveland Division of Police is seeking experienced and motivated Police Officers, with a valid OPOTA Certification and 3 years full time continuous police experience in Ohio in the last 4 years, to join the Cleveland Division of Police. The officers will have to attend an abbreviated Police Academy and then start as a Patrol Offi-

cer IV. The City offers many benefits such as medical, dental, clothing allowances, longevity, and many more. The filing period begins Monday, December 10, 2012, and ends Friday, December 21, 2012, at the Civil Service Commission, Cleveland City Hall Room 119, 601 Lakeside Avenue, Cleveland, Ohio. The minimum requirements are valid Ohio driver license, valid OPOTA certificate, Physical Abilities Exam, and a weight standard. All applicants must be 21 years of age and not older than 39 years of age at the time of appointment. More information can be found on the City of Cleveland's website under the Civil Service Commission page, www.city.cleveland.oh.us/CityofCleveland/Home.

December 5, 2012 December 12, 2012
and December 19, 2012

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."

THURSDAY, JANUARY 3, 2013

File No. 161-12 — South HVAC Upgrade Project and Terminal Boiler Replacement, (Phase I), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 359-05 And 814-12, passed by the Council of the City of Cleveland, May 2, 2005 and June 4, 2012, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 13, 2012 AT 1:00 P.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, FEDERAL SERVICE STATION BUILDING, 5301 WEST HANGER ROAD, CLEVELAND, OHIO 44135.

December 5, 2012 and December 12, 2012

FRIDAY, JANUARY 25, 2013

File No. 162-12 — Mobile Data Computers, Equipment and Accessories, for the Division of Fire and Emergency Medical Service, Department of Public Safety, as authorized by Ordinance No. 571-12, passed by the Council of the City of Cleveland, May 23, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 20, 2012 AT 1:00 P.M. THE CLEVELAND FIRE HEADQUARTERS, CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

December 5, 2012 and December 12, 2012

FRIDAY, JANUARY 18, 2013

File No. 163-12 — Ceiling Improvements Thurgood Marshall Recreation Center, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 533-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 20, 2012 AT 11:00 A.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 164-12 — Brookside Station Utility Duct Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 533-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 20, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 165-12 — Cleveland Public Auditorium Historic Interior Door Improvement, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 684-08 passed by the Council of the City of Cleveland, July 2, 2012.

THERE ARE **NO FEES FOR THESE PLANS.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, DECEMBER 21, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

December 12, 2012 and December 19, 2012

WEDNESDAY, JANUARY 30, 2013

File No. 166-12 — Labor and Materials Necessary to Maintain, Repair and Replace Substation Equipment, Including But Not Limited to Switchgear, Circuit Breakers, Batteries, Fiber and Optic Splicing, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 813-11, passed by the Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 20, 2012 AT 10:30 A.M. TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 167-12 — Labor and Materials For The Maintenance, Repair or Replacement of Test Equipment, and Training as Necessary, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1183-10, passed by the Council of the City of Cleveland, October 18, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 20, 2012 AT 2:30 P.M. TOM L. JOHN-

SON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

December 12, 2012 and December 19, 2012

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 1408-12.**

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

An emergency resolution declaring the intent to vacate a portion of Franklin Avenue N.W. (60.00 feet wide).

Whereas, this Council is satisfied that there is good cause to vacate a portion of Franklin Avenue N.W. (60.00 feet wide), as described; 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 declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being all that portion of Franklin Avenue N.W. (60.00 feet wide) extending easterly from the northerly prolongation of west line of the Lot Split and Consolidation Plat of Lands of Virginia E. Peck and Kenneth R. Hall as shown in volume 244 of Maps, page 48 of Cuyahoga County Records to its terminus with the vacated portion of Franklin Avenue N.W. (60.00 feet wide) and West 20th Street (66 feet wide) as shown in Volume 202 of Maps, page 59 of Cuyahoga County Records.

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

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 December 3, 2012.

Effective December 6, 2012.

Res. No. 1538-12.

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

An emergency resolution declaring the intent to vacate a portion of Brookpark Road and Relocated Grayton Road.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Brookpark Road and Relocated Grayton Road, as described; 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 declares its intent to vacate a portion of the following described real property:

Vacation of a Portion of Brookpark Road

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Rockport Township Section No. 4, Original Middleburg Township Section No. 20, Lot No. 1 and Original Middleburg Township Section No. 11, Lot No. 6. Also being part of Brookpark Road as dedicated in Volume 118, Page 24, Volume 127, Page 29 and Volume 130, Pages 152-154 of the Cuyahoga County Map Records, being more definitely described as follows;

Commencing at a 1" iron pin found in a monument box at the intersection of the centerline of Relocated Brookpark Road and the centerline of Relocated Old Grayton Road as shown on Centerline Survey Plat recorded in Volume 313, Pages 97-99 of the Cuyahoga County Map Records;

Thence, along the centerline of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 126.82 feet, said curve having a radius of 674.07 feet, a central angle of 10° 46' 47", and a chord of 126.63 feet which bears North 64° 41' 07" East;

Thence, leaving said centerline, South 30° 42' 17" East, 50.00 feet to the southerly right of way of Relocated Brookpark Road and True Point of Beginning for the parcel herein described, said point also being in the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, North 89° 45' 56" East, 1192.03 feet;

Thence, continuing along the northerly right of way of Brookpark Road, North 89° 54' 00" East, 2217.91 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, South 72° 01' 22" East, 71.27 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 497.83 feet to the southerly right of way of Brookpark Road, said curve having a radius of 1577.89 feet, a central angle of 18° 04' 39", and a chord of 495.77 feet which bears South 81° 03' 42" East;

Thence, along the southerly right of way of Brookpark Road, South 89° 54' 00" West, 2775.16 feet;

Thence, continuing along the southerly right of way of Brookpark Road, South 89° 45' 56" West, 1559.33 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, North 89° 43' 19" East, 0.80 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 384.51 feet to the point of beginning, said curve having a radius of 724.07 feet, a central angle of 30° 25' 36", and a chord of 380.01 feet which bears North 74° 30' 31" East;

Containing within said bounds 8.5278 acres (371,472 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(1995) Grid North.

Vacation of a Portion of Relocated Grayton Road

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Rockport Township Section No. 4. Also being that part of Orchard Glen Subdivision recorded in Volume 62, Page 12 of the Cuyahoga County Map Records, West Lawn Subdivision recorded in Volume 70, Page 28 of the Cuyahoga County Map Records and vacated West Lawn Avenue as recorded in Volume 195, Page 75 of the Cuyahoga County Map Records conveyed to the City of Cleveland, being more definitely described as follows;

Commencing at a 1" iron pin found in a monument box at the intersection of the centerline of Relocated Brookpark Road and the centerline of Relocated Old Grayton Road as shown on Centerline Survey Plat recorded in Volume 313, Pages 97-99 of the Cuyahoga County Map Records;

Thence, along the centerline of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 126.82 feet, said curve having a radius of 674.07 feet, a central angle of 10° 46' 47" and a chord of 126.63 feet which bears North 64° 41' 07" East;

Thence, leaving said centerline, South 30° 42' 17" East, 50.00 feet to the southerly right of way of Relocated Brookpark Road, said point also being in the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, North 89° 45' 56" East, 1192.03 feet;

Thence, continuing along the northerly right of way of Brookpark Road, North 89° 54' 00" East, 140.12 feet to the westerly right of way of Relocated Grayton Road and the True Point of Beginning for the parcel herein described;

Thence, along the westerly right of way of Relocated Grayton Road, North 02° 02' 24" East, 506.28 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, South 88° 55' 58" East, 182.57 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, North 88° 50' 49" East, 29.44 feet to the easterly right of way of Relocated Grayton Road;

Thence, along the easterly right of way of Relocated Grayton Road, South 04° 38' 33" East, 52.93 feet;

Thence, continuing along the easterly right of way of Relocated Grayton Road, South 00° 05' 29" East, 449.98 feet to the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, South 89° 54' 00" West, 235.00 feet to the point of beginning.

Containing within said bounds 2.6071 acrea (113,564 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in May 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(1995) Grid North.

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

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 December 3, 2012.

Effective December 6, 2012.

Res. No. 1735-12.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 2102 Freeman Avenue and repealing Resolution No. 1185-12 objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 2102 Freeman Avenue by Resolution No. 1185-12 adopted by the Council on August 8, 2012; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Cull Long & Michalak, LLC, DBA Duck Island Club, 2102 Freeman Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 1845797 be and the same is hereby withdrawn and Resolution No. 1282-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted December 3, 2012.

Effective December 6, 2012.

Res. No. 1736-12.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit at 1295 Old River Road and repealing Resolution No. 1121-12 objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3, D3A and D6 Liquor Permit to 1295 Old River Road by Resolution No. 1121-12 adopted by the Council on August 8, 2012; 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, D3A and D6 Liquor Permit to 1057, Inc., DBA The Odeon, 1295 Old River Road, Cleveland, Ohio

44113. Permanent Number 65492620002 be and the same is hereby withdrawn and Resolution No. 1121-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted December 3, 2012.
Effective December 6, 2012.

Res. No. 1737-12.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 2221 Professor Street, 1st floor and rear patio and repealing Resolution No. 1220-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 2221 Professor Street, 1st floor and rear patio, Cleveland, Ohio 44113, Permanent No. 9041602 by Resolution No. 1220-12 adopted by the Council on September 10, 2012; 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 the transfer of ownership of a D1, D2, D4 and D3A Liquor Permit to Tremont Enterprises, LLC, DBA Lago, 2221 Professor Street, 1st floor and rear patio, Cleveland, Ohio 44113, Permanent No. 9041602, be and the same is hereby withdrawn and Resolution No. 1220-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted December 3, 2012.
Effective December 6, 2012.

Res. No. 1738-12.

By Council Member Dow.

An emergency resolution objecting to the transfer of stock of a D21, D2X, D3 and D6 Liquor Permit to 6201 St. Clair Avenue, 1st floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a D2, D2X, D3 and D6 Liquor Permit at Dot & Beans Tavern, Inc., 6201 St. Clair Avenue, 1st floor, Cleve-

land, Ohio 44103, Permanent Number 2275179; 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 transfer of stock of a D2, D2X, D3 and D6 Liquor Permit at Dot & Beans Tavern, Inc., 6201 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 2275179, 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 December 3, 2012.
Effective December 6, 2012.

Res. No. 1739-12.

By Council Member Polensek.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 657 East 152nd Street and repealing Resolution No. 1091-12, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 657 East

152nd Street by Resolution No. 1091-12 adopted by the Council on August 8, 2012; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon a cooperation agreement between Applicant Yaser S. Najjar, President of East 152nd Street, Inc., and Councilman Michael D. Polensek; and

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to East 152nd Inc., 657 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 2405365 be and the same is hereby withdrawn and Resolution No. 1091-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted December 3, 2012.
Effective December 6, 2012.

Res. No. 1740-12.

By Council Member Pruitt.

An emergency resolution objecting to a New C1 Liquor Permit at 4231 East 131st Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Jermel Griffin, DBA The Block Food and Beverages, LLC, 4213 East 131st Street, Cleveland, Ohio 44105, Permanent Number 3380146; 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 Jermel Griffin, DBA The Block Food and Beverages, LLC, 4213 East 131st Street, Cleveland, Ohio 44105, Permanent Number 3380146; 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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1234-12.

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

An emergency ordinance to repeal Sections 213.01, 213.02, and 213.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 213.01 and 213.02, relating to swimming pools, spas, and special use pools.

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 213.01, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 213.02, as amended by Ordinance No. 986-88, passed November 28, 1988; and

Section 213.03 as amended by Ordinance No. 2587-80, passed March 2, 1981, are repealed.

Section 2. That the Codified Ordinances are supplemented by enacting new Sections 213.01 and 213.02 to read as follows:

CHAPTER 213 Swimming Pools, Spas and Special Use Pools

Section 213.01 Public Swimming Pools, Public Spas and Special Use Pools; License and Fee

(a) Every person who intends to operate or maintain a new or existing

public swimming pool, public spa, or special-use pool, as defined in Ohio Administrative Code rule 3701-31-01, shall, during the month of April of each year, apply for, and receive, a license, in accordance with requirements of the Ohio Administrative Code Chapter 3701-31 and Chapter 3749 of the Revised Code. The application shall be made to the Commissioner of Assessments and Licenses.

(b) No person shall operate or maintain a public swimming pool, public spa, or special-use pool without a license issued by the Director of Public Health.

(c) In addition to the license fee required under section 3749.04 of the Revised Code for public swimming pools, public spas, and special-use pools, each application for a license shall be accompanied by a local combined license and inspection fee as follows:

(1) For an individual public swimming pool, individual public spa, or individual special use pool, the local fee shall be \$195.00.

(2) For a public swimming pool, public spa, or special use pool, that is owned or operated by a governmental agency or tax-supported primary or secondary public school, the local fee shall be \$40.00.

(d) The Commissioner shall submit all applications for a license required under Chapter 3749 of the Revised Code and under this Chapter of the Codified Ordinances to the Director of Public Health for approval or disapproval of the application.

(e) The Commissioner is authorized to collect license fees under this Chapter of the Codified Ordinances and under Section 3749.04 of the Revised Code and deposit such fees collected under Section 3749.04 of the Revised Code into the Swimming Pool Fund created under division (E) of Section 3749.04 of the Revised Code.

(f) The Commissioner shall transmit the appropriate amount of each license fee collected under Section 3749.04 of the Revised Code to the Treasurer of the State of Ohio under the requirements of the Revised Code for deposit in the General Operations Fund created by Section 3701.83 of the Revised Code, under the requirements of Section 3749.04 of the Revised Code.

Section 213.02 Private Residential Swimming Pools and Private Residential Spas

Any application for the construction, installation or alteration and maintenance of a private residential swimming pool or private residential spa, shall be made to the Director of Building and Housing under Section 3117.02 of the Codified Ordinances, and shall also be reviewed by the Commissioner of Environment. No permit shall be issued unless the method of disinfection and bactericidal treatment to be used and the type and range of water testing equipment have first been approved by the Commissioner of Environment.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1325-12.

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

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to design the improvement to the East 79th Street Bridge; authorizing the Commissioner of Purchases and Supplies to acquire and record for right-of-way purposes such real property as is necessary to make the public improvement; authorizing the Director to enter into any agreements relative thereto; authorizing the Director to apply for and accept gifts and grants from any public or non-profit entity for the improvement; authorizing the Director to accept cash contributions from the Greater Cleveland Regional Transit Authority, Northeast Ohio Regional Sewer District, and private utility companies for costs associated with the improvement and to enter into agreements; and giving consent of the City of Cleveland to the State of Ohio for the improvement to the East 79th Street Bridge.

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 employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the improvement to the East 79th Street Bridge (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 authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 2. 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 and record for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

Section 3. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property.

Section 4. That the Director of Capital Projects is authorized to enter into any relative agreements with the Ohio Department of Transportation

necessary to effectuate the Improvement.

Section 5. That the Director of Capital Projects is authorized to accept cash contributions from the Greater Cleveland Regional Transit Authority, Northeast Ohio Regional Sewer District, and private utility companies for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 6. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

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 apply for and accept any gifts or grants for the Improvement from any public or private entity; and 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 this ordinance.

Section 9. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the Improvement.

Section 10. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of Federal-aid funds set aside by the State from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, for the financing of the Improvement. The City agrees to assume and bear 100% of the cost of preliminary engineering, right-of-way, and environmental documentation. Further, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State and Federal Highway Administration to be not eligible or made necessary by the Improvement.

Section 11. That the Director of Capital Projects is authorized to enter into one or more agreements with the Ohio Department of Transportation ("ODOT") necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 12. That the City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement.

The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 13. That upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold the right-of-way inviolate for public highway purposes.

Section 14. That the Director of Capital Projects is empowered, on behalf of the City to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with ODOT necessary to complete the Improvement. Upon the request of the State, the Director of Capital Projects is also empowered to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant.

Section 15. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the City agrees to incorporate ODOT's "Specifications for Consultant Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's consultant Evaluation System.

Section 16. That this Council requests the State to proceed with the Improvement.

Section 17. That the cost of the contracts, property acquisition, and other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 534, 20 SF 540, and 20 SF 546, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 657, RQS 0103, RL 2012-117.)

Section 18. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 19. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1327-12.

By Council Members J. Johnson, K. Johnson, Cleveland, Mitchell and Kelley (by departmental request).

An emergency ordinance to amend Section 559.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 734-09, passed May 18, 2009, relating to the designation of the Cleveland Cultural Gardens to expand the boundary to Wade Park Avenue; and to enact new Sections 559.244 and 559.245 relating to future gardens.

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 559.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 734-09, passed May 18, 2009, is amended to read as follows:

Section 559.02 Designation of Cleveland Cultural Gardens

In view of the improvements installed and now existing in Rockefeller Parkway, and with the view to perpetuating the sentimental and historical association established;

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Nos. 376, 375, 377, 384 and 385 of East Cleveland Township, and bounded and described as follows:

All that portion of Rockefeller Park lying between Wade Park, N. E., on the South, the New York Central Lines, LLC, on the North, except that portion of St. Clair Ave. N. E. and Superior Avenue, N.E. lying within these bounds, shall be designated Cleveland Cultural Gardens. Be the same more or less subject to all legal highways and easements of record.

Cleveland Cultural Gardens shall be subdivided into units, bounded and described in the following sections.

Section 2. That existing Section 559.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 734-09, passed May 18, 2009, is repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, is supplemented enacting new Sections 559.244 and 559.245 to read as follows:

Section 559.244 Future Garden at 1445 Martin Luther King, Jr. Boulevard

Proposed Garden Site

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 385, and also contained within Section "C", Brookway Division of Rockefeller Park, and further bounded and described as follows:

Beginning at a stone monument with drill hole found in the centerline of East 105th St., 60 feet wide, at its intersection with the centerline of Wade Park Ave., 70 feet wide; Thence South 89°05'12" West, along the centerline of Wade Park Ave., also being the Southerly line of aforesaid Lot No. 385 a distance of 986.03 feet to a point; Thence North 0°54'48" West, a distance of 555.59 feet to a capped iron pin set in aforesaid Section "C" at the principal place of beginning of the parcel of land herein described;

Thence North 19°16'55" East, a distance of 61.00 to a capped iron pin set;
Thence North 28°22'00" East, a distance of 33.00 feet to a capped iron pin set;

Thence North 33°16'00" East, a distance of 47.00 to a capped iron pin set;

Thence North 36°25'00" East, a distance of 138.55 feet to a capped iron pin set at a point of curve;

Thence Northeasterly, along a curved line deflecting to the left an arc distance of 239.26 feet to a capped iron pin set at a point of tangency, said curved line having a radius of 500.00 feet, a central angle of 27°25'00" and a chord which bears North 22°42'30" East, 236.98 feet;

Thence North 9°00'00" East, a distance of 27.85 to a capped iron pin set;

Thence South 74°23'22" East, a distance of 32.86 feet to a capped iron pin set;

Thence South 2°00'00" West, a distance of 100.68 to a capped iron pin set;

Thence South 12°55'00" West, a distance of 52.00 feet to a capped iron pin set;

Thence South 22°13'00" West, a distance of 89.00 feet to a capped iron pin set;

Thence South 35°51'00" West, a distance of 100.00 feet to a capped iron pin set;

Thence South 52°49'00" West, a distance of 111.00 feet to a capped iron pin set;

Thence South 48°06'00" West, a distance of 35.00 feet to a capped iron pin set;

Thence South 29°00'21" West, a distance of 83.74;

Thence North 67°03'42" West, a distance of 9.66 feet to the principal place of beginning and containing 0.566 acres (24,673 sq. ft.) of land, as surveyed by Stephen Hovancsek & Associates, Inc., in June, 2012 under the direction of Robert Smoltz, Registered Surveyor No. 6763, State of Ohio, be the same more or less but subject to all legal highways.

The basis of bearing for this description being Ohio State Plane, North Zone, NAD 83 (2007). All capped iron pins set are 5/8-inch diameter rebar, 30 inches long with a plastic cap stamped SH&A 6763.

Section 559.245 Future Garden at 1520 Martin Luther King, Jr. Boulevard

Proposed Garden Site

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 385, and also contained within Section "C", Brookway Division of Rockefeller Park, and further bounded and described as follows:

Beginning at a stone monument with drill hole found in the centerline of East 105th St., 60 feet wide, at its intersection with the centerline of Wade Park Ave., 70 feet wide; Thence South 89°05'12" West, along the centerline of Wade Park Ave., also being the Southerly line of aforesaid Lot No. 385 a distance of 930.67 feet to a point; Thence North 0°54'48" West, a distance of 42.00 feet to a capped iron pin set in aforesaid Section "C" at the principal place of beginning of the parcel of land herein described;

Thence South 89°05'12" West, a distance of 221.00 to a capped iron pin set;

Thence North 36°37'00" East, a distance of 46.09 feet to a capped iron pin set at a point of curve;

Thence Northeasterly, along a curved line deflecting to the left an arc distance of 163.36 feet to a capped iron pin set at a point of tangency, said curved line having a radius of 180.00 feet, a central angle of 52°00'00" and a chord which bears North 10°37'00" East, 157.81 feet;

Thence North 15°23'00" West, a distance of 142.28 feet to a capped iron pin set at a point of curve;

Thence Northeasterly, along a curved line deflecting to the right an arc distance of 159.39 feet to a capped iron pin set at a point of tangency, said curved line having a radius of 140.00 feet, a central angle of 65°13'51" and a chord which bears North 17°13'56" East, 150.92 feet;

Thence North 49°50'51" East, a distance of 14.36 feet to a capped iron pin set;

Thence South 1°15'00" East, a distance of 40.00 feet to a capped iron pin set at a point of curve;

Thence Southeasterly, along a curved line deflecting to the left an arc distance of 149.97 feet to a capped iron pin set at a point of tangency, said curved line having a radius of 350.00 feet, a central angle of 24°33'00" and a chord which bears South 13°31'30" East, 148.82 feet;

Thence South 25°48'00" East, a distance of 173.20 feet to a capped iron pin set;

Thence South 21°27'00" East, a distance of 85.00 feet to a capped iron pin set;

Thence South 4°09'31" East, a distance of 59.59 feet to the principal place of beginning and containing 1.137 acres (49,539 sq. ft.) of land, as surveyed by Stephen Hovancsek & Associates, Inc., in June, 2012 under the direction of Robert Smoltz, Registered Surveyor No. 6763, State of Ohio, be the same more or less but subject to all legal highways.

The basis of bearing for this description being Ohio State Plane, North Zone, NAD 83 (2007). All capped iron pins set are 5/8-inch diameter rebar, 30 inches long with a plastic cap stamped SH&A 6763.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1335-12.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 9127 Miles Avenue to Northeast Ohio Neighborhood Health Services, Inc. ("NEON") for purposes of providing a new access point for accessible comprehensive primary health care services to Cleveland residents on a sliding scale.

Whereas, the Director of Public Health has requested the sale of the City-owned property to Northeast

Ohio Neighborhood Health Services, Inc., ("NEON") (the "Redeveloper") that is no longer needed for public use and located at 9127 Miles Avenue for purposes of providing a new access point for accessible comprehensive primary health care services to Cleveland residents on a sliding scale; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the property located at 9127 Miles Avenue and further identified as Permanent Parcel Numbers 134-08-033 and 134-08-032 that were combined to form one parcel known as 134-08-032 and one parcel known as 134-08-064 are no longer needed for public use and described as follows:

Situated in the City of Cleveland County of Cuyahoga, and State of Ohio:

And known as being part of Sublot No. 72 in the Original Plat of Newburgh Village, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records and also a part of Original 100 Acre Lot 464 and bounded and described as follows:

Beginning on the Northerly line of Miles Avenue, S.E., (70 feet wide) at its intersection with the Easterly line of said Sublot No. 72, thence Northerly along the said easterly line, 213 3/12 feet to the Southeasterly corner of the second parcel of land described in the Deed to Frances Beryl Long & Hinda M. Onstine by deed dated December 23, 1919 and recorded in Volume 2315, Page 427 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed 66 feet to the Northeasterly corner thereof; thence Westerly along the Northerly line of land so conveyed, 66 feet to the Northwesterly corner thereof; thence Southerly along the Westerly line of land so conveyed, 66 feet to the Northwesterly corner of said Sublot No. 72; thence Southerly along the Westerly line of said Sublot No. 72, 213 3/12 feet to said Northerly line of Miles Avenue S. E., thence Easterly along said Northerly line, 66 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 69 and 73 in the Newburgh Village Allotment of part of Original 100 Acre Lot No. 464, as shown by the recorded plot in Volume 2 of Maps, Page 20 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Miles Avenue, S.E., (70 feet wide) at its point of intersection with the Westerly line of said Sublot No. 73; thence Northerly along the Westerly line of said Sublots Nos. 73 and 69, about 279 feet 3 inches to the Northerly line of said Sublot No. 69; thence Easterly along the Northerly line of said Sublot No. 69, 66 feet; thence Southerly on a line parallel with the Westerly line of said Sublots Nos. 69 and 73, about 279 feet 3 inches to the Northerly line of Miles Avenue, S.E.;

thence Westerly along the Northerly line of Miles Avenue S.E., 66 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, and other valuable considerations, which is determined to be fair market value, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by official quitclaim deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1363-12.

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

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to design the improvement of resurfacing East 9th Street from North Marginal Road to Carnegie Avenue and from Ontario Street from Lakeside Avenue to 900 feet north of Carnegie Avenue; authorizing the Director to accept cash contributions from the Greater Cleveland Regional Transit Authority, Northeast Ohio Regional Sewer District, and private utility companies for costs associated with the improvement and to enter into agreements; giving consent of the City of Cleveland to the County of Cuyahoga for the improvement; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement; authorizing the Commissioner of Purchases and Supplies to acquire and record for right-of-way purposes such real property as is necessary to make the improvement; authorizing the Director to enter into any agreements relative thereto; and cause payment to the County for the City's share of the improvement.

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

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

Section 1. That the Director of 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 services necessary to design the improvement of resurfacing East 9th Street from North Marginal Road to Carnegie Avenue and from Ontario Street from Lakeside Avenue to 900 feet north of Carnegie Avenue (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 authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 2. That the Director of Capital Projects is authorized to accept cash contributions from the Greater Cleveland Regional Transit Authority, Northeast Ohio Regional Sewer District, and private utility companies 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 3. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 4. 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 5. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga ("the County") to construct the Improvement under plans, specifications, and estimates approved by the County.

Section 6. That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to Cuyahoga County to use the License Tax Fund for the Improvement. The County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the Improvement, under current County standards for construction of County roads and bridges. The County will arrange for the supervision and administration of the construction project. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County not eligible

or made necessary by the Improvement.

Section 7. That the Director of Capital Projects is authorized to enter into one or more agreements with the County necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 8. That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency; and

(f) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 9. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the Director of Capital Projects will arrange for its acquisition.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (A)(6) of Section 4511.07 of the Revised Code.

(e) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform

to the Improvement, and that the rearrangements shall be done at such time as requested by the City.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedure Manual to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(i) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid manual are met.

(j) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

Section 9a. That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement, and to enter into one or more agreements with the County as are necessary to finance the Improvement.

Section 10. That the Director of Capital Projects is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 11. That this Council requests the County to proceed with the Improvement.

Section 12. 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 and record for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

Section 13. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property.

Section 14. That the Director of Capital Projects is authorized to enter into any relative agreements with the County of Cuyahoga necessary to effectuate the Improvement.

Section 15. That this Council authorizes payment to the State of Ohio for the City's share of the cost of the Improvement.

Section 16. That the Clerk of Council is authorized and directed to transmit to the County of Cuyahoga three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 17. That the cost of the contracts, property acquisition, and other expenditures authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, and 20 SF 546, Request No. RQS 0103, RL 2012-147.

Section 18. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1406-12.

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

An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting to the Northeast Ohio Regional Sewer District certain non-exclusive easement rights in property located in the vicinity of the future Flats East Bank Riverfront Park and declaring said easement rights no longer needed for public use; and authorizing the Director of Capital Projects to acquire a certain non-exclusive easement from Flats East Development, LLC for improvements related to the repair and replacement of the bulkhead wall on City property that will be redeveloped as the future Flats East Bank Riverfront Park.

Whereas, a parcel of City-owned land in the Flats East development site will be redeveloped as the new Flats East Bank Riverfront Park, but it is necessary to improve the steel bulkhead located along the City-owned land before construction of the park can begin by Flats East Development LLC ("Flats East Development"); and

Whereas, two easements are necessary to make the bulkhead improvement; and

Whereas, Flats East Development has requested that the City accept certain easement rights from Flats East Development in order for the City to access, install, construct, use, maintain, repair, and, if necessary, replace a system of "tie-backs" and related improvements and appurtenances below the surface of the adjacent property owned by Flats East Development; and

Whereas, the Northeast Ohio Regional Sewer District requires an easement to access, install, construct, use, maintain, repair, and if necessary replace a box culvert and related appurtenances located on City-owned property; and

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

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is no longer needed for public use:

LEGAL DESCRIPTION

of a

0.0189 acre 25' CSO EASEMENT

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of a parcel of land now or formerly conveyed to City of Cleveland, PPN 101-11-015, and defined as "Parcel B-1" on the Lot Split Plat as recorded in Volume 359, Pages 86-87 of Cuyahoga County Map Records, and being more particularly bounded and described as follows:

Commencing at a northerly corner of said PPN 101-11-1015, said point being the easternmost corner of lands now or formerly conveyed to Flats East Development, LLC, PPN 101-11-1014, and defined as "Parcel 2" on the Lot Split Plat as recorded in Volume 364, Page 88, said point also being on the southerly line of lands now or formerly conveyed to City of Cleveland, PPN 101-11-003, and defined as "Parcel A-3" on the Lot Split Plat as recorded in Volume 364, Page 88 of Cuyahoga County Map Records; thence along the northerly line of said PPN 101-11-015 and the southerly line of said PPN 101-11-014, and along the arc of a curve deflecting to the left, said curve having a radius of 265.34 feet, a delta of 06°36'34", a tangent of 15.32 feet, and a chord of 30.59 feet which bears South 57°12'57" West, for a distance of 30.61 feet to an angle point; thence continuing along said northerly and southerly lines, North 71°53'34" West, for a distance of 154.02 feet to a point therein, said point also being the TRUE POINT OF BEGINNING for the land described herein; thence clockwise along the following four (4) courses and distances:

Thence South 18°06'26" West, for a distance of 32.65 feet to a point on the southerly line of said PPN 101-11-015, said point also being on the northeasterly dock line of the Cuyahoga River as established by Ordinance No. 31, 283 and passed on March 4, 1901;

Thence along said northeasterly dock line, North 72°59'43" West, for a distance of 25.00 feet to a point therein;

Thence North 18°26'26" East, for a distance of 33.13 feet to a point on said southerly line of PPN 101-11-014 and said northerly line of PPN 101-01-015;

Thence along said northerly and southerly lines, South 71°53'34" East, for a distance of 25.00 feet to the TRUE POINT OF BEGINNING, and containing 0.0189 acres (822 sq. ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of Joseph R. Ciuni, P.S. 7394, for GPD Group, dba Glaus, Schomer, Pyle, Burns and Dehaven, Inc., in August of 2012.

Basis of Bearing is State Plane Grid North NAD83(CORS96), Ohio North Zone.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above described easement interest to the Northeast Ohio Regional Sewer District ("NEORS"), subject to any conditions stated herein, at a cost of \$1.00 and other valuable consideration.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to access, install, construct, use, maintain, repair, and, if necessary, replace a box culvert and related appurtenances located on City-owned property.

Section 4. That the duration of the easement shall be perpetual; that the easement may include reasonable right-of-entry right to the City; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require NEORS provide reasonable insurance, maintain any NEORS improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City. The deed of easement shall contain any additional terms and conditions as are required to protect the interests of the City. The Directors of Capital Projects, Public Works, and Law are authorized to execute other documents, including without limitations, contracts for rights-of-entry, as may be necessary for the redevelopment of the Flats East Bank Riverfront Park.

Section 6. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire certain easements rights from Flats East Development in and to the premises described at a cost of \$1.00 and other valuable consideration to allow the City to access, install, construct, use, maintain, repair, and, if necessary, replace a system of "tie-backs" and related improvements and appurtenances below the surface of the adjacent property owned by Flats East Development for the redevelopment of the Flats East Bank Riverfront Park:

0.8720 acre TIE-BACK EASEMENT

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of a parcel of land now or formerly conveyed to Flats East Development, LLC, PPN 101-11-014, and defined as "Parcel 2" on the Lot Split Plat as recorded in Volume 364, Page 88 of Cuyahoga County Map Records, and being more particularly bounded and described as follows:

Commencing at the westernmost corner of said Flats East Development, LLC parcel, the northeasterly corner of lands now or formerly conveyed to City of Cleveland, PPN 101-11-015, and defined as "Parcel B-1" on the Lot split Plat as recorded in Volume 359, Pages 86-87 of Cuyahoga County Map Records, and being on the southerly line of lands now or formerly conveyed to Pennsylvania Lines LLC, PPN 101-01-004, said point also being the TRUE POINT OF BEGINNING for the land described

herein; thence clockwise along the following eighteen (18) courses and distances:

1. Thence along said southerly line of Pennsylvania Lines LLC, and the northwesterly line of said Flats East Development, LLC, North 62°05'48" East, for a distance of 121.38 feet to a point;

2. Thence South 31°01'06" East, for a distance of 43.15 feet to a point;

3. Thence South 36°02'20" East, for a distance of 62.32 feet to a point;

4. Thence South 51°02'20" East, for a distance of 85.75 feet to a point;

5. Thence South 56°02'20" East, for a distance of 24.71 feet to a point;

6. Thence South 66°02'20" East, for a distance of 57.41 feet to a point;

7. Thence South 71°02'20" East, for a distance of 44.89 feet to a point;

8. Thence South 73°32'20" East, for a distance of 39.20 feet to a point;

9. Thence South 73°30'55" East, for a distance of 115.89 feet to a point on the southwesterly line of lands now or formerly conveyed to City of Cleveland, PPN 101-11-003, and defined as "Parcel A-3" on the Lot Split Plat as recorded in Volume 364, Page 87 of Cuyahoga County Map Records;

10. Thence along said southwesterly line of PPN 101-11-003 and along the arc of a curve, deflecting to the left, said curve having a radius of 145.00 feet, a delta of 6°16'16", a tangent of 7.94 feet, and a chord of 15.86 feet which bears South 40°40'55" East, for a distance of 15.87 feet to a point of compound curvature;

11. Thence continuing along said southwesterly line of PPN 101-11-003 and along the arc of a curve, deflecting to the left, said curve having a radius of 400.00 feet, a delta of 13°14'49", a tangent of 46.45 feet, and a chord of 92.28 feet which bears South 50°26'27" East, for a distance of 92.48 feet to a northerly corner of aforementioned PPN 101-11-015;

12. Thence along the northerly line of said PPN 101-11-015, and along the arc of a curve, deflecting to the left, said curve having a radius of 265.34 feet, a delta of 6°36'34", a tangent of 15.32 feet, and a chord of 30.59 feet which bears South 57°12'57" West, for a distance of 30.61 feet to a point;

13. Thence continuing along said northerly line of PPN 101-11-015, North 71°53'34" West, for a distance of 357.97 feet to a point;

14. Thence continuing along said northerly line of PPN 101-11-015, North 55°18'42" West, for a distance of 59.00 feet to a point;

15. Thence continuing along said northerly line of PPN 101-11-015, North 47°35'14" West, for a distance of 80.74 feet to a point;

16. Thence continuing along said northerly line of PPN 101-11-015, South 65°41'41" West, for a distance of 3.17 feet to a point;

17. Thence continuing along said northerly line of PPN 101-11-015, North 50°26'21" West, for a distance of 15.57 feet to a point;

18. Thence continuing along said northerly line of PPN 101-11-015, North 30°03'14" West, for a distance of 94.67 feet to the TRUE POINT OF BEGINNING, and containing 0.8720 acres (37,984 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of Joseph R. Ciuni, P.S. 7394, for GPD Group, dba Glaus, Schomer, Pyle, Burns and Dehaven, Inc., in May of 2012.

Basis of Bearing is State Plane Grid North NAD83 (CORS96), Ohio North Zone.

Section 7. That the Director of Public Works is authorized to execute on behalf of the City all documents necessary to acquire certain rights in and to the property.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1455-12.

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

Authorizing the Director of Port Control to exercise the five-year option to renew Contract No. 67376 with Standard Parking Corporation to extend the term to manage outbound taxicabs at Cleveland Hopkins International Airport.

Whereas, under the authority of Ordinance No. 1761-A-06, passed December 4, 2006, the Director of Port Control entered into Contract No. 67376 with Standard Parking Corporation to manage the outbound taxicab services at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 1761-A-06 requires further legislation before exercising the five year option to renew this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the option to renew Contract No. 67376 to manage the outbound taxicab services at Cleveland Hopkins International Airport for an additional five-year period with Standard Parking Corporation. This ordinance constitutes the additional legislative authority required by Ordinance No. 1761-A-06 to exercise this option.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1531-12.

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

An emergency ordinance authorizing the Director of Public Works, to enter into a property adoption agreement with The Putman Sculpture Collection to install and maintain the Euclid's Circle Sculpture in the David E. Davis Sculpture Garden in Rockefeller Park.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 131.23 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a property adoption agreement with The Putman Sculpture Collection of Case Western Reserve University to beautify and improve an area in the David E. Davis Sculpture Garden in Rockefeller Park by installing and maintaining the Euclid's Circle Sculpture, which shall remain the property of The Putman Sculpture Collection.

Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 3. That the property adoption agreement shall be prepared by the Director of Law.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1533-12.

By Council Members J. Johnson, K. Johnson, Cleveland, Mitchell and Kelley (by departmental request).

An emergency ordinance to amend Sections 559.14 and 559.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to the Croatian and the Hebrew Cultural Gardens.

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 559.14, as amended by Ordinance No. 1715-09, passed May 10, 2010, and Section 559.15, as amended by Ordinance No. 109-56, passed February 11, 1957, are amended to read as follows:

Section 559.14 Croatian Cultural Garden

Beginning in the Westerly line of the upper drive also known as East Blvd., at a point located 35.00 feet Southerly by rectangular measurement from its point of intersection with the Westerly prolongation of the main axis of the Shakespeare Garden; thence Southerly along the Westerly line of said upper drive (East Blvd.) about 121.8 feet to a point; thence Westerly 70.00 feet to a point being 65.00 feet perpendicular by rectangular measurement from the Northerly line of the Hebrew Garden; thence Southerly along said perpendicular line to the Northerly line of Hebrew Garden 65.00 feet to a point on said Northerly line of the Hebrew Garden; thence Westerly along the said

Northerly line of the Hebrew Garden about 200.39 feet to an iron pipe in the Easterly line of the lower drive also known as Martin Luther King Jr. Drive; thence Northerly along said Easterly line of the lower drive (Martin Luther King Jr. Drive) 283.3 feet to point located 60.00 feet Southerly by rectangular measurement from the Southerly line of the Hungarian Garden; thence Easterly along said line parallel and distant 60.00 feet Southerly with the Southerly line of said Hungarian Garden (also 35.00 feet Southerly by rectangular measurement and parallel to the Westerly prolongation of said main axis of the Shakespeare Garden) about 326.00 feet to said upper drive (East Blvd.) and the principal place of beginning.

Section 559.15 Hebrew Cultural Garden

Beginning at a stone monument at the point of intersection of the center line of East 102nd St. with the center line of Olivet Ave.; thence westerly along the center line of said Olivet Ave. 839.62 feet to a stone monument in the center line of East 99th St.; thence northerly along the center line of said East 99th St. 18.00 feet to a point; thence westerly at right angles to the center line of East 99th St. 332.11 feet to a point; thence northwesterly on a line deflecting to the right 59 degrees 08 minutes 30 seconds, 351.08 feet to an iron pipe in the westerly line of the upper drive (East Blvd.), which point is the principal place of beginning and is also the northeasterly corner of the Syrian Garden; thence westerly along the northerly line of the Syrian Garden 276.50 feet to an iron pipe in the easterly line of the lower drive (Martin Luther King Jr. Drive); thence northerly along the easterly line of the lower drive (Martin Luther King Jr. Drive) 358.00 feet to an iron pipe in the southwest corner of the Croatian Garden; thence easterly along the southerly line of the Croatian Garden 200.39 feet to a point; thence northerly perpendicular to the southerly line of the Croatian Garden 65 feet to a point; thence easterly along a line parallel to the southerly line of the Croatian Garden about 70 feet to the westerly line of the upper drive (East Blvd.); thence southerly along the westerly line of the upper drive (East Blvd.) about 398.20 feet to the principal place of beginning.

Section 2. That existing Section 559.14, as amended by Ordinance No. 1715-09, passed May 10, 2010, and existing Section 559.15, as amended by Ordinance No. 109-56, passed February 11, 1957, 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.

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1535-12.

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

An emergency ordinance authorizing the Commissioner of Purchases

and Supplies to sell City-owned property no longer needed for public use located mid-block between Euclid Avenue and Chester Avenue on East 105th Street to Ronald McDonald House of Cleveland, Inc., for purposes of construction of additional parking; authorizing the City's retention of a non-exclusive permanent easement across the property for purposes of ingress and egress onto East 105th Street; authorizing the acquisition of certain non-exclusive easement rights from Ronald McDonald House of Cleveland, Inc. for ingress and egress purposes onto East 105th Street; and to repeal Ordinance No. 1550-11, passed December 5, 2011, relating to the Ronald McDonald House.

Whereas, the City currently owns an alleyway running mid-block, west to east, which provides vehicular access from the rear of Fire Station No. 10 on Chester Avenue to East 105th Street; and

Whereas, Ronald McDonald House of Cleveland, Inc. ("RMH") is undertaking an expansion of its facilities on land that abuts the City's alleyway on the south; and

Whereas, the Director of Public Safety has requested the sale of the City-owned property to RMH no longer needed for public use and located at 1942 East 105th Street for additional parking for RMH; and

Whereas, to maintain access to and from Fire Station No. 10 and East 105th Street, the City shall retain a non-exclusive permanent easement across said land as well as acquire a non-exclusive permanent easement across RMH-owned land to the south of the alleyway, all at no cost to the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

LEGAL DESCRIPTION OF PORTION OF P.P.N. 119-10-018 CITY OF CLEVELAND

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original Hundred Acre Lot No. 401, and further bounded and described as follows:

Beginning at the intersection of the southerly line of Chester Avenue (86 feet wide) and the westerly line of East 105th Street (width varies);

Thence South 01° 04' 48" East along the westerly line of East 105th Street, 160.03 feet to the southeasterly corner of land conveyed to 1942 East 105th Street, LLC by the deed dated December 23, 2008 and recorded in Auditor's File Number 200812231025 of Cuyahoga County Deed Records and being the PRINCIPAL PLACE OF BEGINNING of the easement herein described;

Thence South 01° 04' 48" East continuing along the westerly line of East 105th Street and a westerly line of land conveyed to the City of Cleveland by the deed dated March 21, 1985 and recorded in Volume 85-1262, Page

37 of Cuyahoga County Deed Records, 26.73 feet to the northeasterly corner of land conveyed to Ronald McDonald House of Cleveland, Inc. (formerly Children's Oncology Services of NE Ohio, Inc.) by the deed dated July 31, 1992 and recorded in Volume 92-26663, Page 47 of Cuyahoga County Deed Records;

Thence South 88° 55' 12" West along the northerly line of land so conveyed to the Ronald McDonald House of Cleveland, Inc., 241.00 feet to a point;

Thence North 27° 52' 18" East, 35.12 feet to a point;

Thence North 88° 55' 12" East, 24.00 feet to a westerly line of land so conveyed to said 1942 East 105th Street, LLC;

Thence South 01° 04' 48" East along a westerly line of land so conveyed to 1942 East 105th Street, LLC, 4.00 feet to the southwesterly corner thereof;

Thence North 88° 55' 12" East along the southerly line of land so conveyed to 1942 East 105th Street, LLC, 200.00 feet to the westerly line of East 105th Street and the Principal Place of Beginning and containing 0.1456 acres of land.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to RMH at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance. The City will retain one or more ingress and egress easements over a portion of the above-described property for the purpose of accessing Fire Station No. 10.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire certain non-exclusive easement rights from RMH in and to the premises described for the purposes of ingress and egress onto East 105th Street:

LEGAL DESCRIPTION OF
EASEMENT OVER
PORTION OF P.P.N. 119-10-015
RONALD McDONALD HOUSE OF
CLEVELAND, INC.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original Hundred Acre Lot No. 401, and further bounded and described as follows:

Beginning at the intersection of the southerly line of Chester Avenue (86 feet wide) and the westerly line of East 105th Street (width varies);

Thence South 01° 04' 48" East along the westerly line of East 105th Street,

186.76 feet to a southeasterly corner of land conveyed to the City of Cleveland by the deed dated March 21, 1985 and recorded in Volume 85-1262, Page 37 of Cuyahoga County Deed Records and being the PRINCIPAL PLACE OF BEGINNING of the easement herein described;

Thence South 01° 04' 48" East continuing along the westerly line of East 105th Street, 15.00 feet to a point;

Thence South 88° 55' 12" West, 241.00 feet to a point;

Thence North 01° 04' 48" West, 15.00 feet to the southerly line of land conveyed to said City of Cleveland;

Thence North 88° 55' 12" East along the southerly line of land so conveyed to the City of Cleveland, 241.00 feet to the westerly line of East 105th Street and the Principal Place of Beginning and containing 0.0829 acres of land.

Section 5. That the Director of Public Safety is authorized to execute on behalf of the City all documents necessary to acquire certain rights in and to the property.

Section 6. That Ordinance No. 1550-11, passed December 5, 2011, is repealed.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1543-12.

By Council Members Keane and Conwell.

An emergency ordinance to amend Sections 135.42 and 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 292-07, passed June 11, 2007 and Ordinance No. 1971-06, passed July 2, 2008, relating to contracts for towing and impounding and towing fees.

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

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

Section 1. That Sections 135.42 and 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 292-07, passed June 11, 2007 and Ordinance No. 1971-06, passed July 2, 2008, are amended to read as follows:

Section 135.42 Contracts for Towing, Storage and Disposal of Impounded Motor Vehicles

(a) *Contracts Authorized.* The Director of Public Safety may enter into contract for the following services:

(1) For the towing of vehicles and motor vehicles, including commercial vehicles, authorized to be impounded by these Codified Ordinances;

(2) For the storage of impounded vehicles and motor vehicles;

(3) For the disposal and salvaging of impounded vehicles and motor vehicles that are unclaimed or abandoned.

(b) *Term.* The term of any contract authorized by this section shall not exceed two (2) years with one (1) two (2) year option to renew, exercisable

by the Director of Public Safety if authorized by additional legislative authority.

(c) *Salvage Vehicle Proceeds.* Each contract for the towing of non-commercial or commercial vehicles shall contain a provision that provides that the division of monies received when vehicles are salvaged shall be as follows: the towing firm that impounded the vehicle shall be paid thirty percent (30%) of the salvage proceeds. The storage company shall be paid sixty percent (60%) of the proceeds, not to exceed the amount authorized for its services in these Codified Ordinances. The City of Cleveland shall be paid ten percent (10%) of the proceeds, and shall also receive any monies that are not paid to the storage firms because the percentage to which they would otherwise be entitled exceeds the amount authorized for their services in these Codified Ordinances.

(d) *Commercial Tow Rates.* Each contract entered into under the authority of division (a)(1) for the towing of commercial vehicles shall require that the tower provide to the Director of Public Safety its schedule of commercial towing rates, which shall not be higher than those charged to its most favored customers. The Director of Public Safety shall have the right to audit the records of each commercial tower to verify compliance with this requirement, and may by contract impose sanctions on any vendor that fails to comply, up to cancellation of the contract. No changes to a commercial tower's schedule of rates shall take effect until thirty (30) days after written notice to the Director of Public Safety of the revised schedule.

(e) *Payment for Process Tows and Other Costs by the Division of Police Authorized.* Each contract for the towing of motor vehicles entered into under the authority of this section:

(1) Shall provide that the Division of Police shall pay the costs of towing any non-commercial or commercial vehicle in any case in which the vehicle was impounded for processing by the Division of Police and the person reclaiming the vehicle is the victim of a crime and is not liable for the towing fees under these Codified Ordinances; and

(2) May provide that the Division of Police pay the costs of disposal of solid wastes contained in impounded vehicles or incidental to the impoundment, and the costs of disposal of non-salvageable watercraft, vehicles or items, under such conditions as the Director of Public Safety may specify in the contract.

The costs authorized to be paid by the Division of Police under this division shall be paid from the proper appropriation account as determined by the Director of Finance.

(f) *Disposal Firms' Qualifications.* Any contract for the services described in division (a)(3) of this section shall be performed by a motor vehicle salvage dealer as defined in RC 4738.01 or a scrap metal processor as defined in RC 4737.05.

Section 405.06 Impounding and Towing Fees

(a) In addition to the storage fee provided for in Section 405.04, the following fees shall be assessed against the owner or other person claiming an impounded vehicle:

(1) An impound fee of thirty dollars (\$30.00), except that the impound fee shall be reduced to ten (\$10.00) dollars for a person reclaiming a recovered stolen vehicle.

(2) A towing fee of one hundred dollars (\$100.00), except that the towing fee shall be reduced to fifty dollars (\$50.00) for a person reclaiming a recovered stolen vehicle, and shall be increased to one hundred and fifty dollars (\$150.00) for a person reclaiming a vehicle impounded incident to an arrest.

The towing charge shall be increased by twenty dollars (\$20.00) if a dolly or flatbed is used or if a tire or tires are changed.

(b) No towing or impounding fees shall be charged when the vehicle is the property of the victim of a crime and such vehicle is being held by the Division of Police for processing.

Section 2. That existing Sections 135.42 and 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 292-07, passed June 11, 2007 and Ordinance No. 1971-06, passed July 2, 2008, are hereby repealed.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1583-12.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants, computer software developers, or vendors or one or more firms of professional consultants, computer software developers, or vendors to acquire, install, and configure a Web-Based Power Monitoring and Communication System; and authorizing one or more requirement and/or standard contracts for materials, equipment, supplies, and services, needed to implement the Web-Based Power Monitoring and Communication System.

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 employ by contract or contracts one or more professional consultants, computer software developers, or vendors or one or more firms of professional consultants, computer software developers, or vendors 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 acquire, install and configure a Web-Based Power Monitoring and Communication System defined to include, but not limited to, remote devices for metering, monitoring, control and protection, a network time server, all Ethernet communications gateways, intercommunication wiring, ancillary

equipment, startup and training services, and ongoing technical support (the "System") for the Department of Port Control.

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

Section 2. That the Director of Port Control is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period to be determined by the Director of Port Control, for materials, equipment, supplies, or services needed to implement the System, which are not provided under a professional services contract authorized in this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control.

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

Section 4. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 112, 60 SF 114, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 11, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 129, 60 SF 130, 60 SF 141, and 60 SF 160, and from any funds or subfunds to which are credited any grants or federal PFCs authorized for the above contracts. (RQS 3001, RL 2012-149).

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1584-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF2010-016 with AeroMag 2000 CLE, LLC for the use of certain Airport-owned space at Cleveland Hopkins International Airport.

Whereas, under the authority of Ordinance No. 1544-09, passed November 23, 2009, the Director of Port Control entered into Contract No. NF2010-016 with AeroMag 2000 CLE, LLC for the use of certain Airport-owned space at Cleveland Hopkins International Airport; and

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

Whereas, for the use of the Leased premises, AeroMag 2000 CLE, LLC shall pay the City an annual fee as specified in the contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. NF2010-016 for an additional year with AeroMag 2000 CLE, LLC. This ordinance constitutes the additional legislative authority required by Ordinance No. 1544-09 to exercise this option.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1585-12.

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

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Ohio Department of Education for the 2013 Summer Food Service Program; authorizing the purchase by requirement contract of food, food products, beverages, condiments and paper products to implement the grant, for the Division of Recreation, Department of Public Works; and authorizing the Director to contract with various non-profit organizations for the implementation of 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 Public Works is authorized to apply for and accept a grant in the approximate amount of \$400,000.00, from the Ohio Department of Education, to conduct the 2013 Summer Food Service Program for the purposes described in the summary; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1585-12-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 Works is authorized to make one or more written requirement contracts under the Charter and the Codi-

fied Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of unitized meals for the breakfast and lunch program to be served at City recreation centers and at various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Public Works. 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 shall determine.

Section 4. That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Public Works is authorized to make one or more written contracts with the various non-profit organizations to implement the 2013 Summer Food Service Program.

Section 5. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant period for the necessary items

of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Public Works. 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 shall determine.

Section 6. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 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 Works may sign all documents that are necessary

to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

Section 9. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds 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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1587-12.

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

An emergency ordinance authorizing the Director of Public Works to make alterations and modifications in Contract No. CT 7003 PI 2012-006 with Nerone & Sons, Inc. for improvements to the Miles Pointe Crossing Parking Lot, for the Department of Public Works.

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

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

Section 1. That the Director of Public Works is authorized to make the following alterations and modifications in Contract No. CT 7003 PI 2012-006 with Nerone & Sons, Inc., for improvements to the Miles Pointe Parking Lot, for the Department of Public Works:

Subsidiary Additions

| <u>Description</u> | <u>Amount</u> |
|---|-------------------|
| Additional parking lot undercut including Excavation, removal, 6" of stone with geo-grid, complete (7080sy @\$12.90/sy) | \$91,332.00 |
| Total Subsidiary Additions | \$91,332.00 |
| Original Contract Amount | \$ 422,960.21 |
| Total Subsidiary Additions | + 91,332.00 |
| | \$ 514,292.21 |
| TOTAL REVISED CONTRACT AMOUNT | \$ 514,292.21 |

which alteration has been recommended in writing by the Director of Public Works, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Works and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$91,332.00 to be paid from Fund Nos. 17 SF 652, 20 SF 509, 20 SF 524, and 20 SF 539, RQS 0103, RL 2012-165.

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1588-12.

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

An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting certain temporary construction easement rights in property located at the entrance of the Highland Park Cemetery to Cuyahoga County, declaring that the temporary construction easement rights granted are not needed for the City's public use.

Whereas, Cuyahoga County has requested the Director of Public Works to convey certain temporary construction easement rights in property located at the entrance of the Highland Park Cemetery to Cuyahoga County; and

Whereas, Cuyahoga County requires a temporary construction easement needed for the Northfield Road reconstruction project in the Village of Highland Hills; and

Whereas, the temporary construction easement area is not needed for the City's public use; and

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

municipal department; now, therefore,

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

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

EXHIBIT A

**PARCEL 6-T
CUY-422-8,88**

**TEMPORARY EASEMENT
FOR THE PURPOSE OF
DRIVEWAY WORK, TREE
REMOVAL, SIGN REMOVAL, STONE
BOLLARD REMOVAL AND
WALL REMOVAL
24 MONTHS FROM THE DATE
OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

SURVEYOR'S DESCRIPTION

Permanent Parcel No. 751-01-002

Situated in the Village of Highland Hills, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 56. Also being part of the land conveyed to The City of Cleveland as recorded in Volume 1042, Page 158 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at a 1" iron pin to be set in a monument box the intersection of the centerline of right-of-way of Northfield Road, at centerline Station 185 + 10.09 and the centerline of construction of relocated Northfield Road, at centerline Station 38 + 64.30;

Thence binding on the easterly extension of said centerline of relocated Northfield Road, North 89° 11' 20" East, 50.00 feet to a point on the easterly right-of-way line of Northfield Road at Northfield Road centerline Station 185 + 10.08, 50.00 feet right, said point also being the True Point of Beginning for the parcel of land herein described;

Thence leaving said centerline and binding on said easterly right-of-way, North 00° 48' 54" West, 83.00 feet;

Thence leaving said easterly right-of-way, North 89° 11' 20" East, 88.92 feet;

Thence North 34° 24' 22" East, 23.26 feet;

Thence North 89° 11' 20" East, 8.00 feet;

Thence South 01° 10' 19" East, 177.00 feet;

Thence South 89° 11' 20" West, 8.00 feet;

Thence North 37° 44' 45" West, 31.28 feet;

Thence South 89° 11' 20" West, 84.64 feet to the easterly right-of-way of Northfield Road;

Thence North 00° 48' 54" West, 50.00 feet to the point of beginning.

Containing within said bounds 0.3549 acres (15,459 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2012.

Bearings are based on the Ohio State Plane Coordinate System, North Zone NAD83 (CORS96), Grid North.

Section 2. That the Commissioner of Purchases and Supplies is authorized to convey the above-described tempo-

rary construction easement interest to Cuyahoga County subject to any conditions stated in this ordinance, at an appraisal price of \$93,950, which includes compensation for the disturbed site improvements that will be removed to accommodate the new cemetery entrance drive configuration.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be for the Northfield Road reconstruction project in the Village of Highland Hills.

Section 4. That the duration of the temporary construction easement shall be for a period not to exceed two years from the date construction is commenced; that the temporary construction easement shall not be assignable without the consent of the Director of Public Works; that the temporary construction easement shall require that Cuyahoga County provide reasonable insurance; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

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

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1589-12.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Solid Waste District for the 2013 Solid Waste Disposal Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$68,267, and any other funds that may become available during the grant term, from the Cuyahoga County Solid Waste District to conduct the 2013 Solid Waste Disposal 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 Summary for the grant contained in the file described below.

Section 2. That the Summary for the grant, File No. 1589-12-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 Health shall have the authority to extend the term of the grant during the grant term.

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

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

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1591-12.

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

Authorizing the Director of Community Development to apply for and accept one or more grants from the State of Ohio, Ohio Development Services Agency for the 2013 Home Weatherization Assistance Program and authorizing the Director of Community Development to employ one or more professional consultants to provide grant writing services.

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept one or more grants from the State of Ohio, Ohio Development Services Agency to conduct the 2013 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 program; and that the funds are appropriated for the purposes set forth in the summary for the grant or grants contained in the file described below.

Section 2. That the summary for the grant or grants, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1591-12-A, is made a part of this ordinance as if

fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Community Development 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 grant writing services needed to assist the City with preparing the applications needed to receive the grants identified in this ordinance.

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

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, except for the professional services for grant writing authorized in Section 1 of this ordinance, which shall be paid from Fund No. 14 SF 038, RQS 2012-8006, RL 2012-066.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1593-12.

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

An emergency ordinance approving the Tax Incentive Review Council's Year 2011 recommendations.

Whereas, under Section 5709.83 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.83 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under division (D) of Section 5709.83 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; 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 TIRC's Year 2011 recommendations contained in File No. 1593-12-A are approved.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1629-12.

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

An emergency ordinance to appropriate up to two easements for the public purpose of implementing the Harvard Avenue Bridge Project.

Whereas, the Council of the City of Cleveland, by Resolution No. 1256-12, adopted October 29, 2012, declared the necessity and intention of appropriating up to six easements, including the two easement interests described in this ordinance, for the public purpose of implementing the Harvard Avenue Bridge Project; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in these two easements; 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 for the public purpose of implementing the Harvard Avenue Bridge Project, the following described easement interests shall be appropriated:

**PARCEL 9-T
CUY-HARVARD AVENUE
TEMPORARY EASEMENT FOR
THE PURPOSE OF
PERFORMING THE WORK
NECESSARY TO
REMOVE AND REPLACE BRIDGE
FOR 12 MONTHS FROM DATE OF
ENTRY BY THE
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO**

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest cor-

ner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101 + 15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 569.41 feet to a point on the centerline of right of way of Harvard Avenue Station 106 + 84.77; thence, South 00 degrees 18 minutes 19 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 106 + 84.77, 20.00 feet right at grantor's northwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's northerly property line North 89 degrees 41 minutes 41 seconds East a distance of 30.00 feet to a point at Station 107 + 14.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 00 degrees 18 minutes 19 seconds East a distance of 11.30 feet to a point at Station 107 + 14.77, 31.30 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 22.60 feet to a point at Station 106 + 92.17, 31.30 feet right of the Harvard Avenue centerline of right of way;

4. thence, South 00 degrees 18 minutes 19 seconds East a distance of 8.50 feet to a point at Station 106 + 92.17, 39.80 feet right of the Harvard Avenue centerline of right of way;

5. thence, South 89 degrees 41 minutes 41 seconds West a distance of 7.40 feet to a point at Station 106 + 84.77, 39.80 feet right of the Harvard Avenue centerline of right of way;

6. thence, North 00 degrees 18 minutes 19 seconds West a distance of 19.80 feet to the TRUE PLACE OF BEGINNING and containing 402.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-004.

This description was prepared and reviewed on February 17, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Registered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in Vol. 81-15485, Page 145, Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

**PARCEL 9-U
CUY-HARVARD AVENUE
PERPETUAL EASEMENT FOR
UTILITY PURPOSES IN THE NAME
AND FOR THE USE OF
CLEVELAND PUBLIC POWER
CITY OF CLEVELAND,
CUYAHOGA COUNTY, OHIO**

Utility purpose of performing the work necessary to build, operate and maintain overhead electricity, communications and street lighting system. Said easement to include the right of ingress and egress for access

to facilities. Grantee shall notify grantor before entry upon grantor's property.

Being a parcel of land lying on the right side of the centerline of right of way of Harvard Avenue and being located within the following described boundary:

Being a part of original Newburgh Township Lot 466, the City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a drill hole in monument box found at the northwest corner of Lot 466 and the centerline of right of way of Harvard Avenue at Station 101+15.36; thence, following the centerline of right of way of Harvard Avenue, North 89 degrees 41 minutes 41 seconds East a distance of 569.41 feet to a point on the centerline of right of way of Harvard Avenue Station 106+84.77; thence, South 00 degrees 18 minutes 19 seconds East a distance of 20.00 feet to a point on the southerly right of way line of Harvard Avenue Station 106+84.77, 20.00 feet right at grantor's northwesterly property corner and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following grantor's northerly property line North 89 degrees 41 minutes 41 seconds East a distance of 30.00 feet to a point at Station 107+14.77, 20.00 feet right of the Harvard Avenue centerline of right of way;

2. thence, South 00 degrees 18 minutes 19 seconds East a distance of 12.00 feet to a point at Station 107+14.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

3. thence, South 89 degrees 41 minutes 41 seconds West a distance of 17.38 feet to a point at Station 106+97.39, 32.00 feet right of the Harvard Avenue centerline of right of way;

4. thence, North 00 degrees 18 minutes 19 seconds West a distance of 0.60 feet to a point at Station 106+97.39, 31.40 feet right of the Harvard Avenue centerline of right of way;

5. thence, South 89 degrees 41 minutes 41 seconds West a distance of 5.00 feet to a point at Station 106+92.39, 31.40 feet right of the Harvard Avenue centerline of right of way;

6. thence, South 00 degrees 18 minutes 19 seconds East a distance of 0.60 feet to a point at Station 106+92.39, 32.00 feet right of the Harvard Avenue centerline of right of way;

7. thence, South 89 degrees 41 minutes 41 seconds West a distance of 7.62 feet to a point at Station 106+84.77, 32.00 feet right of the Harvard Avenue centerline of right of way;

8. thence, North 00 degrees 18 minutes 19 seconds West a distance of 12.00 feet to the TRUE PLACE OF BEGINNING and containing 357.00 square feet of land, more or less.

The above described area is contained within the Cuyahoga County Auditor's permanent parcel number 136-16-004.

This description was prepared and reviewed on March 2, 2012, by Kiran C. Patel, Registered Surveyor No. 7554.

This description is based on a survey made under the direction and supervision of Kiran C. Patel, Regis-

tered Surveyor No. 7554 on January 27, 2011.

Grantor claims title by instrument of record in Vol. 81-15485 pg. 145 Cuyahoga County Recorder's Office.

The basis of bearings is the centerline of Harvard Avenue (North 89°41'41" East) per Cleveland Regional Geodetic Survey and all other bearings are relative thereto for the purpose of indicating angular measurement.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple easement interests described above.

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 December 3, 2012.

Effective December 6, 2012.

**Ord. No. 1630-12.
By Council Members Pruitt and Kelley (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of rigging services, and labor, materials, and services needed to maintain, repair, or refurbish material handling equipment, including training if needed; and authorizing the rental of material handling equipment, cranes, and other heavy equipment, including training if needed, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of rigging services, and labor, materials, and services needed to maintain, repair, or refurbish material handling equipment, including training if needed, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement con-

tracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of the rental of material handling equipment, cranes, and other heavy equipment, including training if needed, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (Request RQN 2002, RL 2012-46)

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 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 December 3, 2012.

Effective December 6, 2012.

**Ord. No. 1631-12.
By Council Members Pruitt and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide general information technology services on an as-needed basis for a period of two years.

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

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

Section 1. That the Director of Public 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 Department of Public Utilities in order to provide professional services, necessary to provide general

information technology services on an as-needed basis, for a period of 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 No. 52 SF 001, Request No. RQS 2002, RL2012-144.

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1632-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001-PS2011-59 with Cleveland State University, to provide business and management training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport.

Whereas, under the authority of Ordinance No. 1404-07, passed November 12, 2007, the Director of Port Control entered into Contract No. CT 3001-PS2011-59 with Cleveland State University, to provide business and management training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport; and

Whereas, Ordinance No. 1404-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. CT 3001-PS2011-59 for an additional year at a cost not to exceed \$5,000, with Cleveland State University, to provide business and management training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport. This ordinance constitutes the additional legislative

authority required by Ordinance No. 1404-07 to exercise this option. (RQS 3001, RL 2012-174)

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1633-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001-PS2011-129 with The Institute for Organizational Excellence LLC, an Ohio Limited Liability Company, to provide Lean Six Sigma and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport.

Whereas, under the authority of Ordinance No. 1404-07, passed November 12, 2007, the Director of Port Control entered into Contract No. CT 3001-PS2011-129 with The Institute for Organizational Excellence LLC, an Ohio Limited Liability Company, to provide Lean Six Sigma and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport; and

Whereas, Ordinance No. 1404-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. CT 3001-PS2011-129 for an additional year at a cost not to exceed \$40,000, with The Institute for Organizational Excellence LLC, an Ohio Limited Liability Company, to provide Lean Six Sigma and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1404-07 to exercise this option. (RQS 3001, RL 2012-175)

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1635-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001-PS 2011-68 with Cuyahoga Community College to provide professional technical and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport.

Whereas, under the authority of Ordinance No. 1404-07, passed November 12, 2007, the Director of Port Control entered into Contract No. CT 3001-PS 2011-68 with Cuyahoga Community College to provide professional technical and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport; and

Whereas, Ordinance No. 1404-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. CT 3001-PS 2011-68 for an additional year with Cuyahoga Community College to provide professional technical and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1404-07 to exercise this option.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1636-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001-PS2011-32 with MindLeaders Inc., a Delaware Corporation, to provide E-learning training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport.

Whereas, under the authority of Ordinance No. 1404-07, passed November 12, 2007, the Director of Port Control entered into Contract No. CT 3001-PS2011-32 with MindLeaders Inc., a Delaware Corporation, to provide E-learning training and development

content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport; and

Whereas, Ordinance No. 1404-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. CT 3001-PS2011-32 for an additional year at a cost not to exceed \$42,500, with MindLeaders Inc., a Delaware Corporation, to provide E-learning training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1404-07 to exercise this option. (RQS 3001, RL 2012-173)

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1638-12.
By Council Members Keane, Mitchell and Kelley (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.21 relating to accepting gifts of art, cash, sponsorships, and other donations to enhance the physical appearance at the Cleveland Airport System.

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 139.21 to read as follows:

Section 139.21 Acceptance of Art, Cash, Sponsorships, and Other Donations to Enhance the Physical Appearance at the Cleveland Airport System

The Director of Port Control is authorized to accept gifts of art, cash, sponsorships, and other donations to enhance the physical appearance at the Cleveland Airport System, provided:

(a) The gift is used in the operation of the department;

(b) The donor has provided written notification to the Director of Port Control of intent to make a gift, specifying the type of gift and the amount;

(c) The Director has accepted the gift in writing prior to the date of donation; and

(d) The aggregate fair market value of all gifts made by the donor under this section during the calendar year does not exceed one hundred thousand dollars (\$100,000.00).

The Director shall notify the Clerk of Council of the acceptance of any gift under this section.

Section 2. That the Director of Port Control shall deposit any funds received under this section into a fund or funds designated by the Director of Finance and appropriated for this purpose.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1640-12.
By Council Members Cimperman and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the St. Luke's Foundation for the 2013 Making Greater Cleveland Lead Safe and Healthy Program; to enter into one or more contracts with Lutheran Metropolitan Ministry, Cuyahoga County Board of Health, the Cleveland Tenants Organization, the Environmental Health Watch 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 Health is authorized to apply for and accept a grant in the approximate amount of \$350,000, and any other funds that may become available during the grant term, from the St. Luke's Foundation to conduct the 2013 Making Greater Cleveland Lead Safe and Healthy 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 summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1640-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with Lutheran Metropolitan Ministry, Cuyahoga

County Board of Health, the Cleveland Tenants Organization, and the Environmental Health Watch needed to implement the grant as described in the file.

Section 6. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1641-12.
By Council Members Cimperman and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2013 STD Control Prevention Program; authorizing the Director to enter into contracts with other agencies or entities to implement the grant; and to enter into an agreement with the Ohio Department of Health for the City to receive payments from the Medicaid program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$156,048, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2013 STD Control Prevention Program, for the purposes in the summary and budget and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 1641-12-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 Health is authorized to enter into one or more contracts with Pacific

Interpreters, The Free Medical Clinic of Greater Cleveland, and other agencies or entities to implement the grant as described in the file.

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

Section 5. That the Director of Public Health is authorized to enter into an agreement with the Ohio Department of Health for the City to receive payments from the Medicaid programs to implement this ordinance.

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

Section 7. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 8. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 9. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds, Medicaid payments accepted under this ordinance, and from the fund or funds to which are credited any fees received under this program.

Section 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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1642-12.
By Council Members Cimperman, Mitchell and Kelley (by departmental request).

An emergency ordinance to amend Sections 227.03, 227.04, 227.05, 227.33, 227.34 and 227.35, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 924-09, passed August 5, 2009, relating to Day Care Center fees, applications, inspections and contagious disease notification.

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

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

Section 1. That Sections 227.03, 227.04, 227.05, 227.33, 227.34, and 227.35, as amended by Ordinance No. 924-09,

passed August 5, 2009, are amended to read as follows:

Section 227.03 Permit Application

(a) Any person, firm, association or corporation desiring a permit to open, maintain and conduct a day care center shall make written application to the Commissioner of Assessments and Licenses, and that application shall state the name and residence of the applicant, and if the applicant is a corporation or association, the name and residence of all the officers; the present or proposed location of the day care center; the purpose for which it is to be opened, maintained or conducted; the accommodations provided for the children to be admitted to the day care center; the name and address of the superintendent or of the person or persons to be in charge; and other information as the Commissioner may request.

(b) Permits for the calendar year following the year in which the application is being made shall be accepted no earlier than November 1.

Section 227.04 Inquiry Preliminary to Granting Permit

The Director of Public Health, after a day care application is made, shall make or cause to be made a strict investigation of the statements and information contained in the application, and a thorough inspection of the premises intended to be used for the day care center.

Section 227.05 Conditions on Which Permit is Granted; Fee

(a) If the Director of Public Health finds that the statements in the application are correct; that the premises intended to be used as a day care center are suitably located for a day care center and adequately equipped with all necessary heating, ventilating and sanitary devices to ensure the health and well-being of the children to be admitted to the day care center; that the application is made in good faith for the care and betterment of the children; that the superintendent or person to be in charge of the day care center is of good moral character and of sufficient knowledge, experience and ability to properly conduct, manage and maintain the day care center; that the proposed day care center and the premises occupied by the same comply in all respects with the requirements of this chapter; then, but not otherwise, the Director of Public Health shall recommend to the Commissioner of Assessments and Licenses in writing, that a license be issued. The Commissioner of Assessments and Licenses shall issue or cause to be issued a permit authorizing the applicant or applicants in question to open and conduct a day care center at the place specified, which permit shall state the maximum number of children that may be admitted to or cared for in the day care center at one time. The fee to be paid annually to the City Treasurer for the permit shall be fifty dollars (\$50.00) and no permit shall be issued except upon payment of the fee. Every permit issued under this section shall expire on December 31 of the year in which it is issued, and no second or succeeding permit shall be issued to any person, firm, association, or

corporation, except after a reinspection of the premises, as provided for in the case of the issuance of an original permit.

(b) Upon full payment of a day care permit to the City Treasurer, the City's Building Department shall verify through its records, that the location has a valid certificate of occupancy. The Division of Fire and the Division of Health shall also conduct an annual inspection after payment is received by the City Treasurer. Upon certification that the day care center is in full compliance by the City's Building Department, the Division of Fire and the Division of Health, the Commissioner of Assessments and Licenses shall issue a permit to operate.

Section 227.33 Reports to the Director of Public Health

(a) Every person, firm, association or corporation conducting, managing or maintaining a day care center shall report to the Director of Public Health within timelines specified in OAC rule 3701-3-05. Every person, firm, association or corporation conducting, managing or maintaining a day care center shall report to the Director of Public Health, all cases and suspected cases of contagious diseases, such as smallpox, chickenpox, diphtheria, scarlet fever, mumps, measles, whooping cough, impetigo contagiosa, typhoid fever, tuberculosis, hand, foot and mouth disease, meningitis (bacterial, viral/aseptic), flu, diarrheal diseases, and any other disease classified as communicable in accordance with OAC rule 3701-3-02. The report shall give the names and addresses of persons so afflicted and all other known facts relating to the case or incident in accordance with OAC rule 3701-3-03, which may aid in eradicating such diseases.

(b) Every person, firm, association or corporation conducting a day care center shall also make out a Monthly Illness Report Form in writing on or before the fifth day of each calendar month, giving a complete record of the operation of the center during the preceding calendar month, showing the number of children admitted, all relevant illnesses, all accidental injuries and deaths, the cause of the same and other information as may be necessary to an intelligent supervision of the center. This report shall be kept in the permanent records of the day care center.

(c) All reports required in this section shall be made upon blanks approved by the Director of Public Health and shall be signed by the superintendent or the official in charge. All records placed in permanent files under the requirements of this chapter shall be open to inspection by the Director of Public Health or any officer or employee of the Division of Health designated by the Director of Public Health at any time.

Section 227.34 Appeal

A day care center's license may be suspended or revoked at any time by the Director of Public Health on his or her own initiative. Before suspending or revoking the license the Director of Public Health shall afford the licensee the opportunity

of a hearing on the charges. The licensee may appeal from the order in the manner provided by Section 201.03. A second suspension for the same reason or, in any case a third suspension of a day care center's license shall operate as a revocation of such license. No day care center's owner or administrator whose license has been revoked shall again be licensed as a day care provider in the City unless on presentation of reasons satisfactory to the Director of Public Health. The Director of Public Health shall notify the Building Department, the Division of Fire and the Commissioner of Assessments and Licenses of all suspensions or revocations of day care licenses.

Section 227.35 Violations

(a) If any person, firm, association or corporation conducting a day care center violates any of the provisions of this chapter relating to the safety of, or the accommodations for the children, the Director of Public Health is authorized to issue an order to close the day care center and keep it closed until such repairs or alterations have been made as will comply with the provisions of this chapter.

(b) No person shall fail to comply with a lawful order issued by the Director of Public Health under this section.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1645-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with various non-profit agencies for the implementation of homeless assistance activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities.

Section 2. The aggregate cost of the contracts authorized shall not exceed \$1,776,000, and shall be paid from Fund Nos. 14 SF 038 and 19 SF 661, RQS 8006, RL 2012-167.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1646-12.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept the Lead Hazard Reduction Demonstration or Lead Hazard Control Grant and the Healthy Homes Grant both from the U.S. Department of Housing and Urban Development; authorizing the purchase by one or more standard and requirement contracts of materials, equipment, supplies, and services necessary to implement the grants and for the rental of furniture and other household articles to supply and accommodate displaced persons; and authorizing one or more contracts with various entities, agencies, or individuals to implement the grants.

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 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 grant writing services needed to assist the City with preparing the applications needed to receive the grants identified in this ordinance.

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

Section 2. That the Director of Community Development is authorized to apply for and accept either the Lead Hazard Reduction Demonstration or Lead Hazard Control Grant, in the amount of up to approximately \$3,000,000 and to apply for and accept the Healthy Homes grant in the amount of up to approximately \$2,000,000, and any other funds that may become available during the grant terms, both from the U.S. Department of Housing and Urban Development to conduct the Lead Hazard Reduction Demonstration or Lead Hazard Control Grant and the Healthy Homes Programs; 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 summaries for the grants contained in the file below.

Section 3. That the summaries for the grants, presented to the Finance

Committee of this Council at a public hearing on this legislation and set forth in File No. 1646-12-A, are made a part of this ordinance as if fully rewritten, are approved in all respects, and shall not be changed without additional legislative authority.

Section 4. That the Director of Community Development shall have the authority to extend the term of the grants during the grant terms.

Section 5. That the Director of Community Development shall deposit the grants accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the programs as described in the file and appropriated for those purposes.

Section 6. That the Director of Community Development is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements, during the grant terms, for the necessary items materials, equipment, supplies, and services necessary to implement the grants and for the rental of furniture and other household articles to supply and accommodate displaced persons during lead abatement performed under the grants. 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 shall determine. Alternate bids for a period less than the grant terms may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire terms.

Section 7. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or rental under the contract, each of which purchases or rentals shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 8. That the Director of Community Development is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant terms, for each or all of the following items: materials, equipment, supplies, and services needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Community Development.

Section 9. That, unless expressly prohibited by the grant agreements, under Section 108(b) of the Charter, purchases made under the grant agreements may be made through cooperative arrangements with other governmental agencies. The Director of Community Development may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 10. That the Director of Community Development is authorized to enter into one or more contracts with or make payments to various entities, agencies, or individuals

to implement the grants, including but not limited to, the Cleveland Tenants Organization (CTO), Environmental Health Watch, Healthy Homes Advisory Council, Cleveland Housing Network, Lutheran Metropolitan Ministries, and the Neighborhood Housing Service of Greater Cleveland, to implement the grants as described in the file.

Section 11. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, except for the professional services for grant writing authorized in Section 1 of this ordinance, which shall be paid from Fund No. 14 SF 038, RQS 2012-8006, RL 2012-066.

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.

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1647-12.
By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 958-11, passed August 17, 2011, relating to the Energy Savers Pilot 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 title and Section 1 of Ordinance No. 958-11, passed August 17, 2011, are amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Housing Network, Cleveland Action to Support Housing, and other agencies to perform home energy assessments in connection with the Cleveland Energy Savers Pilot Program, with a term expiring September 30, 2013.

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Housing Network ("CHN"), Cleveland Action to Support Housing ("CASH"), and other agencies, with a term expiring September 30, 2013, to implement the Cleveland Energy Savers Pilot Program more fully described in File No. 958-11-A.

Section 2. That the existing title and Section 1 of Ordinance No. 958-11, passed August 17, 2011 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.

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1685-12.
By Council Members Cimperman, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to amend the title, the first whereas clause and Section 1 of Resolution No. 1068-12, adopted October 22, 2012, to change the intent to vacate a portion of West 20th Street and a portion of Moore Court to the intent to vacate the 1st unnamed alley west of Columbus Road and south of Franklin Avenue and a portion of Moore Court.

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 title, the first whereas clause and Section 1 of Resolution No. 1068-12, adopted October 22, 2012, are amended to read as follows:

An emergency resolution declaring the intent to vacate the 1st Unnamed Alley (16.5 feet wide) west of Columbus Road and south of Franklin Avenue and a portion of Moore Court (16.5 feet wide).

Whereas, this Council is satisfied that there is good cause to vacate a portion of the 1st Unnamed Alley (16.5 feet wide) west of Columbus Road and south of Franklin Avenue and a portion of Moore Court (16.5 feet wide), as described; and

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

1st Unnamed Alley (16.5 feet wide) west of Columbus Road and south of Franklin Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of 1st Unnamed Alley (16.5 feet wide) west of Columbus Road and south of Franklin Avenue in the Willeyville Allotment of part of Original Brooklyn Township Lot No. 70 as shown by the recorded plat in Volume 2 of Maps, Page 16 of Cuyahoga County Records, and being further described as follows;

Being all of that portion of said 1st Unnamed Alley (16.5 feet wide) extending from the northerly right of way of Moore Court (16.5 feet wide) north to the westerly prolongation of the north properly line of Parcel A in the Lot Split and Consolidation Plat as shown in Volume 348, Page 30 of Cuyahoga County Map Records.

MOORE COURT

All that portion of Moore Court (16.5 feet wide) extending Westerly from the West right of way of Columbus Road (80 feet wide) to that portion of Moore Court (16.5 feet wide) as vacated by the Council of City of Cleveland by Ordinance Number 75442 passed August 25, 1926.

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

Section 2. That the existing title, the first whereas clause and Section 1 of Resolution No. 1068-12, adopted October 22, 2012, are repealed.

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

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1686-12.
By Council Members Cimperman, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the demolition and construction of the eastbound IR-90 structure over the Cuyahoga River Valley and the rehabilitation of the IR-71 bridge over IR-90/IR-490; and authorizing the Director of Capital Projects to enter into any relative agreements.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: demolish the existing eastbound IR-90 structure over the Cuyahoga River Valley, construct a new eastbound IR-90 structure over the Cuyahoga River Valley and rehabilitate the IR-71 bridge over IR-90/IR-490. The project will begin north of Clark Avenue over IR-71 and terminate at about the Central Interchange and will include all required approach work and interchange modifications in the City of Cleveland (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the State, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the State and Federal Highway Administration to be unnecessary for the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning, design and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That the City grants permission to the State to acquire all necessary right-of-way required for the Improvement. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. That on completion of the Improvement, the City will:

(a) Maintain the City right-of-way and keep it free of obstructions; and
(b) Hold the right-of-way inviolate for public highway purposes.

Section 6. That this Council requests the State to proceed with the Improvement.

Section 7. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

Section 8. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1687-12.

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

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for reconstructing and streetscaping Waterloo Road from East 152nd Street to East 162nd Street; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: reconstructing and streetscaping Waterloo Road from East 152nd Street to East 162nd Street (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes;

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the reimbursement provisions of ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(d) That the installation of all utility facilities, relocation, and reimbursement on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 8. That this Council requests the State to proceed with the Improvement.

Section 9. That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, and 52 SF 001, Request No. RQS 0103, RL 2012-163.

Section 10. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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.

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1688-12.

By Council Members Westbrook, Pruitt, Reed, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance determining the method of making the public improvement of laying and repairing sidewalks, driveway aprons, and curbing, restoring grass tree lawns and adjusting castings encroaching upon the public right of ways of West 105th Street, West 106th Street, West 114th Street, and East 151st Street; and authorizing the Director of Capital Projects to enter into one or more requirement contracts for the making of the improvement.

Whereas, this Council intends to declare by resolution of necessity that certain portions of specified sidewalks, driveway aprons, curbing, tree lawns, and castings be laid or repaired by the owner or such parcel of land abutting on the sidewalks, curbing or intersections appurtenances on portions of West 105th Street, West 106th Street, West 114th Street, and East 151st Street, including corner properties which the Council intends to designate for partial assessment in the future; and

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

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

Section 1. That, under Sections 165 and 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of laying and repairing sidewalks, driveway aprons, and curbing, restoring grass tree lawns and adjusting castings encroaching upon the public right of ways of the following streets to be designated for partial assessment in the future: West 105th Street from Baltic Road to Clifton Boulevard (Assessment #1); West 106th Street from Baltic Road to Clifton Boulevard (Assessment #2); West 114th Street from Franklin Boulevard to Detroit Avenue (Assessment #4), and East 151st Street from Bartlett Avenue to Kinsman Road (Assessment #5), for the Department of Capital Projects, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Capital Projects 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 making of the above public improve-

ment with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed one year, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Capital Projects. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the written requirement contract or contracts for the making of the above public improvement may also include laying, re-laying and repairing median strips, intersections, bridge approaches, handicap ramps, tree removals, root grinding and tree replacement which costs shall be borne by the City and not assessed to the adjoining landowners.

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

Section 5. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 380, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQS 0103, RL 2012-181)

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1689-12,
By Council Members Mitchell,
Miller, Cleveland and Kelley (by
departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for rehabilitating Larchmere Boulevard from Martin Luther King Jr., Boulevard to N. Moreland Boulevard; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of

the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: rehabilitating Larchmere Boulevard from Martin Luther King Jr., Boulevard to N. Moreland Boulevard and enhance pedestrian and bicycle access along Larchmere Boulevard between East 121st Street and East 130th Street (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes;

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the reimbursement provisions of ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(d) That the installation of all utility facilities, relocation, and reimbursement on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement

and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 8. That this Council requests the State to proceed with the Improvement.

Section 9. That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, and 52 SF 001, Request No. RQS 0103, RL 2012-184.

Section 10. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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.

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1690-12,
By Council Members Cimperman,
Miller, Cleveland and Kelley (by
departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for constructing a North Coast Harbor pedestrian bridge; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of

the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: constructing a North Coast Harbor pedestrian bridge (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes;

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the reimbursement provisions of ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(d) That the installation of all utility facilities, relocation, and reimbursement on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also

authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 8. That this Council requests the State to proceed with the Improvement.

Section 9. That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, and 20 SF 546, Request No. RQS 0103, RL 2012-185.

Section 10. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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.

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1691-12.

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

An emergency ordinance determining the method of making the public improvement of cleaning, cement mortar and structural lining, and replacing various distribution water mains in 2013; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning, cement mortar and structural lining, and replacing various distribution water

mains in the City of Cleveland in 2013, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities 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 upon 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 upon a unit basis.

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

Section 4. That the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 229, 52 SF 231, 52 SF 235, and 52 SF 245, and from the fund or subfund to which are credited the proceeds of future waterworks bonds, if issued for this purpose RQS 2002, RL 2010-168.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1692-12.

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

An emergency ordinance determining the method of making the public improvement of installing a new restricted transmission water main that can also provide service to local customers beginning at Brainard Road at Miles Avenue and north to Harvard Avenue and east to Orangewood Drive in the Village of Orange; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing a new restricted transmission water main that can also provide service to local customers, beginning at Brainard Road at Miles Avenue and north to Harvard Avenue and east to Orangewood Drive in the Village of Orange, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

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

Section 4. That the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 229, 52 SF 231, 52 SF 235, and 52 SF 245, and from the fund or subfund to which are credited the proceeds of future waterworks bonds, if issued for this purpose. RQS 2202, RL 2012-160.

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1693-12.
By Council Members Keane and Kelley (by departmental request).
An emergency ordinance to amend Section 9 of Ordinance No. 710-12, passed June 4, 2012, relating to the design and construction of the Burke Lakefront Airport Runway 6L-24R Safety Area.

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

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

Section 1. That Section 9 of Ordinance No. 710-12, passed June 4, 2012, is amended to read as follows:

Section 9. That the costs of the contracts and other expenditures authorized shall be paid from Fund Nos. 60 SF, 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 112, 60 SF 114, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 129, 60 SF 130, 60 SF 141, 60 SF 160, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above contracts. RQS 3001, RL 2012-47.

Section 2. That the existing Section 9 of Ordinance No. 710-12, passed June 4, 2012 is repealed.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1697-12.
By Council Members Dow, Brancatelli, Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Community Development and the Director of Capital Projects to enter into a development agreement with The Finch Group, Inc., or its approved designee, for the sale and redevelopment of certain City-owned parcels including certain Land Reutilization Program parcels located in the Upper Chester Target Area, defined as a part of the Hough neighborhood bounded by Chester Avenue on the South, East 101st Street and Ansel Road on the East, the rear or southerly property line of parcels on the South Side of Hough Avenue on the North, and East 93rd Street on the West.

Whereas, a planning process was undertaken in 2006 by the City of Cleveland and local stakeholders and residents that has resulted in a plan for the revitalization of the Upper Chester district of the Hough Neighborhood; and

Whereas, The Finch Group, Inc. has submitted a proposal that includes the development of a full service grocery store, ground floor retail, market rate rental apartments, and low-income apartments for seniors in accordance with the plan; and

Whereas, the Director of Community Development and the Director of Capital Projects have requested the sale of City-owned parcels no longer needed for public use to The Finch Group, Inc., or its approved designee, (the "Redeveloper") to redevelop the parcels in accordance with the proposal; and

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

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

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

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

Section 1. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development and the Director of Capital Projects are authorized to enter into a development agreement with the Redeveloper, for the acquisition, disposition, and private redevelopment of the following City-owned Parcels:

- 119-08-077
- 119-08-080
- 119-08-081
- 119-08-082
- 119-08-083
- 119-08-084
- 119-08-085
- 119-09-103
- 119-11-001
- 119-11-002

- 119-11-003
- 119-11-005
- 119-11-006
- 119-11-007
- 119-11-012
- 119-11-013
- 119-11-015
- 119-11-016
- 119-11-036
- 119-11-037
- 119-11-040
- 119-11-041
- 119-11-042
- 119-11-060
- 119-12-058
- 119-12-059
- 119-12-060
- 119-12-061
- 119-12-076
- 119-12-082
- 119-12-083
- 119-12-084
- 119-13-114
- 119-13-058
- 119-13-059

Section 2. That the terms of the development agreement as outlined in the Executive Summary and governing the sale of parcels in phases and the legal descriptions of the permanent parcel numbers identified above, File No. 1697-12-B, 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 shall not be changed without additional legislative authority, and are approved in all respects.

Section 3. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the properties described in Section 1 of this ordinance are no longer needed for public use.

Section 4. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the Land Reutilization Program parcels described in Section 1 of this ordinance.

Section 5. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described properties to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 6. That the conveyances shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted project-related identification signs.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1698-12.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into one or more contracts with Court Community Service for professional services necessary to place criminal defendants in community service, and for placement in the Cleveland Work Crew Program, both as referred by the Court, each for a period of one year, with a one year option to renew, for the Cleveland Municipal Court.

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Court Community Service for professional services necessary to arrange community service for persons the Court refers for a period of one year, commencing January 1, 2013, with one (1) option, exercisable by the Director of Finance, to renew for an additional one-year term. The cost of the contract shall not exceed \$266,000, and if the option is exercised, the cost for the optional year shall not exceed \$271,000.

Section 2. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Court Community Service for professional services necessary to arrange community service for persons the Court refers in the Cleveland Work Crew Program for a period of one year, commencing January 1, 2013, with one (1) option, exercisable by the Director of Finance, to renew for an additional one-year term, and cancelable on thirty days' written notice by the director. The cost of the contract shall not exceed \$153,000, and if the option is exercised, the cost for the optional year shall not exceed \$156,500.

Section 3. The cost of the contracts shall be paid from Fund No. 01-0115-6320, RQN 0115, RL 2012-65.

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1699-12.

By Council Members Cimperman Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to consent to the assumption

of UDAG Contract No. 49231, as amended, with JF West St. Clair Limited Liability Company and UDAG Contract No. 46470 with Nautica Peninsula Land Limited Partnership by Jacobs Investments, Inc.

Whereas, under Ordinance No. 1823-92, passed October 12, 1992, and Ordinance No. 2209-88, passed October 17, 1988, this Council authorized the execution of any and all contracts required by the UDAG grant award, including the execution of Contract No. 49231 with JF West St. Clair Limited Liability Company ("JF West") for the rehabilitation of three historic buildings on the north side of St. Clair Avenue between West 6th Street and West 9th Street in the Warehouse District and the execution of Contract No. 46470 with Nautica Peninsula Land Limited Partnership ("Nautica") for the renovation of the Brewer-Chilcote Building at 1231 Main Avenue and the American Vineyard Building at 2220 Center Street in the Flats District; and

Whereas, Jacobs Investments, Inc. ("Jacobs") desires to assume both UDAG loans from JF West and Nautica to undertake the repayment obligations of both JF West and Nautica under the contracts and to provide their corporate guarantee as collateral; and

Whereas, JF West, Nautica, and Jacobs have requested consent of the City to the assumption of Contract No. 49231 with JF West and Contract No. 46470 with Nautica; 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 Jacobs and JF West for Jacobs to assume the loan repayment obligations of JF West, UDAG Contract No. 49231, as amended, for the rehabilitation of three historic buildings on the north side of St. Clair Avenue between West 6th Street and West 9th Street in the Warehouse District.

Section 2. That the Director of Economic Development is authorized to consent to the request of Jacobs and Nautica for Jacobs to assume the loan repayment obligations of Nautica, UDAG Contract No. 46470, for the renovation of the Brewer-Chilcote Building at 1231 Main Avenue and the American Vineyard Building at 2220 Center Street in the Flats District.

Section 3. That the Director of Economic Development is authorized to execute all documents and do all things necessary and appropriate to effect the consent to the assumptions of the two loans referenced above, including documents necessary to accept Jacobs' corporate guarantee as the collateral on the loans. A copy of each assumption shall be filed in the office of the Commissioner of Accounts.

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

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

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1700-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into amendments to Contract No. 46868 with 425 Lakeside Avenue Limited Partnership and to Contract No. 48736 with JF West St. Clair Limited Liability Company, a designee of Hoyt Block II Limited Partnership, to accept discount prepayments of their UDAG loans regarding development of the 425 Lakeside project in the Warehouse District and the development of the Hoyt Block II project also in the Warehouse District.

Whereas, the current owners of the 425 Lakeside project, 425 Lakeside Avenue Limited Partnership ("425 Lakeside"), have requested the opportunity to prepay the \$1,649,445.00, two percent (2%) interest loan (Contract No. 46868, as amended) at its net present value determined by discounting by a rate of nine and seventy-five percent (9.75%) the principal payment due December 31, 2017; and

Whereas, the current owners of the Hoyt Block II project, JF West St. Clair Limited Liability Company, a designee of Hoyt Block II Limited Partnership ("JF West"), have requested the opportunity to prepay the \$1,335,906.62, three percent (3%) interest loan (Contract No. 48736) at its net present value determined by discounting by a rate of nine and seventy-five percent (9.75%) the principal payment due January 1, 2026; and

Whereas, this ordinance allows the Department of Economic Development to use the lump sum repayments for other City programs or neighborhood housing projects in need of financial assistance; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, now therefore

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 46868 with 425 Lakeside, to accept a discounted prepayment of the UDAG.

Section 2. That the Director of Economic Development is authorized to accept on behalf of the City, a discounted prepayment from 425 Lakeside to be paid to the City, in an amount equal to the net present value of the loan using a discount rate equal to nine and seventy-five percent (9.75%) in full satisfaction of its loan of \$1,649,445.00 due December 31, 2017, which loan originally was made to partially finance the development of the 425 Lakeside project in the Warehouse District. That the Director of Economic Development is authorized to file all papers and execute all docu-

ments necessary to receive the funds under the prepayment.

Section 3. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 48736 with JF West, to accept a discounted prepayment of the UDAG.

Section 4. That the Director of Economic Development is authorized to accept on behalf of the City, a discounted prepayment from JF West to be paid to the City, in an amount equal to the net present value of the loan using a discount rate equal to nine and seventy-five percent (9.75%) in full satisfaction of its loan of \$1,335,906.62 due January 1, 2026, which loan originally was made to partially finance the development of

the Hoyt Block II project in the Warehouse District. That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the prepayment.

Section 5. That the amendments authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions that the director deems necessary to protect and benefit the public interest.

Section 6. That the Director of Economic Development is authorized to release any and all collateral taken to secure repayments of the two UDAG loans and to execute all documents necessary to release the collateral of

the loans. Any release of security instruments shall be prepared and approved by the Director of Law.

Section 7. That the Director of Economic Development is authorized to deposit the prepayments into Fund No. 17 SF 006.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1701-12.

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

An emergency ordinance to amend Sections 33 and 56 of Ordinance No. 1689-11, passed November 28, 2011, as amended by various ordinances, relating to compensation for various classifications.

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

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

Section 1. That the following sections:

Sections 33 of Ordinance No. 1689-11, passed November 28, 2011; and

Section 56 of Ordinance 1689-11, passed November 28, 2011, as amended by Ordinance No. 610-12, passed May 21, 2012, and Ordinance No. 1537-12, passed November 12, 2012, are amended to read as follows:

Section 33. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

| | Minimum | Maximum |
|---|----------------|----------------|
| 1. Airport Maintenance Superintendent..... | \$20,092.80 | \$63,135.10 |
| 2. Assistant Commissioner of Recreation..... | 20,092.80 | 71,750.00 |
| 3. Assistant Contract Compliance Officer..... | 20,092.80 | 56,847.22 |
| 4. Assistant Income Tax..... | 20,092.80 | 56,847.22 |
| 5. Assistant Manager of Audit Control and Personnel..... | 20,092.80 | 58,837.68 |
| 6. Assistant Manager of Recreation..... | 20,092.80 | 56,847.22 |
| 7. Auditor..... | 20,092.80 | 58,837.68 |
| 8. Chief of the Demolition Bureau..... | 20,092.80 | 56,847.22 |
| 9. City Planner..... | 30,000.00 | 60,707.77 |
| 10. Deputy Commissioner of Recreation-Fiscal Control..... | 20,092.80 | 71,750.00 |
| 11. Deputy Project Director..... | 20,092.80 | 62,836.42 |
| 12. Desktop Publishing Specialist..... | 20,231.40 | 58,115.49 |
| 13. District Supervisor - Environmental Health..... | 20,092.80 | 60,707.77 |
| 14. Income Tax Supervisor..... | 20,092.80 | 56,847.22 |
| 15. Office of Professional Standards - Standards Research/Analyst..... | 20,092.80 | 56,847.22 |
| 16. Recreation Center Manager..... | 32,500.00 | 71,750.00 |
| 17. Senior Tax Auditor..... | 20,092.80 | 48,837.68 |
| 18. Superintendent of Vehicle Administrative Services..... | 20,092.80 | 70,807.15 |
| 19. Supervisor Administrative Services-Data Processing Center..... | 20,092.80 | 56,847.22 |
| 20. Welfare Liaison..... | 20,092.80 | 56,847.22 |

Section 56. Division of Police; Various Positions

The annual salaries of persons appointed to the following classifications within the Division of Police shall be fixed by the Director of Public Safety within the limits established in the following schedules:

| | Minimum | Maximum |
|--|----------------|----------------|
| 1. Occupational Medical Director..... | 43,107.75 | 82,687.47 |
| 2. Police Stress Consultant..... | 65,000.00 | 110,000.00 |
| 3. Public Safety Information Technology Manager..... | 65,000.00 | 110,000.00 |

Section 2. That the following existing sections:

Sections 33 of Ordinance No. 1689-11, passed November 28, 2011; and

Section 56 of Ordinance 1689-11, passed November 28, 2011, as amended by Ordinance No. 610-12, passed May 21, 2012, and Ordinance No. 1537-12, passed November 12, 2012, are repealed.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1702-12.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from Cuyahoga County for the FY 2012 Juvenile Accountability Block Grant Program.

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

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

Section 1. That the Director of Community Relations is authorized to apply for and accept a grant in the approximate amount of \$32,010, and any other funds that may become available during the grant term from Cuyahoga County to conduct the FY 2012 Juvenile Accountability Block Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the Summary for the grant contained in the file described below.

Section 2. That the Summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1702-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$3,556.67 from Fund No. 01-0109-6397, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Community Relations may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1703-12.
By Council Members Brady, Sweeney, Keane, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for resurfacing Triskett Road from Lorain Avenue to West 117th Street and resurfacing Warren Road from Lorain Avenue to Munn Road; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: resurfacing Triskett Road from Lorain Avenue to West 117th Street and resurfacing Warren Road from Lorain Avenue to Munn Road (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes;

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the reimbursement provisions of ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(d) That the installation of all utility facilities, relocation, and reimbursement on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 8. That this Council requests the State to proceed with the Improvement.

Section 9. That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, and 52 SF 001, Request No. RQS 0103, RL 2012-182.

Section 10. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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.

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1704-12.
By Council Members K. Johnson, Zone, Cleveland, Conwell, Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Directors of Public Safety and Community Development to enter into one or more agreements with the Cleveland Metropolitan School District and the Cuyahoga Metropolitan Housing Authority for the exchange of properties located at 3552 E. 131st Street, known as PPN 137-04-068 (the former Charles Dickens Elementary School site), 2248 W. 53rd Street,

known as PPN 006-16-020 (a Land Bank parcel), and 3030 E. 77th Street, known as PPN 125-19-066 (the former Anton Grdina Elementary School site).

Whereas, the Cleveland Metropolitan School District ("School District") owns certain property located at 3552 E. 131st Street, on which formerly existed the Charles Dickens Elementary School, and known as PPN 137-04-068; and

Whereas, the School District owns certain property located at 3030 E. 77th Street, on which currently exists the Anton Grdina Elementary School, and known as PPN 125-19-066; and

Whereas, the City of Cleveland Land Reutilization Program owns certain vacant property located at 2248 W. 53rd Street, and known as PPN 006-16-020; and

Whereas, the Charles Dickens Elementary School site has been determined to be a suitable replacement site for the City of Cleveland Fire Station No. 36; and

Whereas, the City of Cleveland wishes to enter into one or more agreements with the School District and the Cuyahoga Metropolitan Housing Authority ("CMHA") in order to exchange the properties, pursuant to Ohio Revised Code §3313.40, for the public purposes of construction of a new fire station (or other public use), public education, and affordable housing; and

Whereas, the agreements, among other things, will contain provisions that the School District will demolish the old schools, properly compact and seed the sites, and convey the School District properties to the City of Cleveland upon completion of the demolition and site compaction; and

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

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

Section 1. That notwithstanding and as an exception to Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of Public Safety and Community Development and the Commissioner of Purchases and Supplies are authorized to enter into one or more agreements for and on behalf of the City of Cleveland with the Cleveland Metropolitan School District and the Cuyahoga Metropolitan Housing Authority for the exchange, development, and maintenance of School District-owned properties located 3552 E. 131st Street, known as PPN 137-04-068 (the former Charles Dickens Elementary School site) and 3030 E. 77th Street, known as PPN 125-19-066 (the former Anton Grdina Elementary School site), and to transfer fee title to the City of Cleveland the following described School District-owned properties:

Legal Description of School District's Premises Former Charles Dickens Elementary School located at 3552 E. 131st Street

Legal Description for PPN 137-04-068 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. 453, also known as being all of Sublots Nos. 110 through 118 (inclusive), and Nos. 128 through 136 (inclusive) of the Wm. H. Kelly's Heirs Allotment as shown in Plat Volume 14, Page 30 of

the Cuyahoga County Map Records, and morefully bounded and described as follows:

Beginning at the intersection of the centerline of Oakfield Avenue (50 feet wide) (Formally Known As Cannon Street) with the centerline of East 131st Street (60 feet wide) (Formally Known As Windfall Avenue), said intersection being 0.10 feet east of a stone monument found;

Thence South 00° 00' 00" East, 25.00 feet;

Thence South 89° 34' 25" West, 30.00 feet to the intersection of the southerly Right-Of-Way of Oakfield Avenue, as aforesaid, with the westerly Right-Of-Way of East 131st Street, as aforesaid, and the PRINCIPAL PLACE OF BEGINNING of a parcel of land herein described;

Thence South 00° 00' 00" East, along said westerly Right-of-Way, 299.99 feet to an iron pin set at the intersection of said westerly Right-of-Way with the northerly Right-of-Way of Benham Avenue (50 feet wide) (Formally Known As Oxford Street);

Thence South 89° 33' 34" West, along said northerly Right-of-Way, 371.48 feet to an iron pin set at the intersection of said northerly Right-of-Way with the easterly Right-of-Way of East 129th Street (60 feet wide) (Formally Known As Van Buren Avenue);

Thence North 00° 12' 58" West, along said easterly Right-of-Way, 300.08 feet to an iron pin set in the southerly Right-of-Way of Oakfield Avenue, as aforesaid;

Thence North 89° 34' 25" East, along said southerly Right-of-Way, 372.61 feet to an iron pin set and the PRINCIPAL PLACE OF BEGINNING, and containing 2.5626 acres, be the same, more or less, but subject to all legal highways and easements, according to a survey prepared by Louise A. Veverka, dated November 7, 2012.

Bearings are set to an assumed meridian and are based on the centerline of East 131st Street being Due North and are to indicate angles only. All iron pins set are 5/8 inch rebar and capped with yellow caps stamped "Veverka P.S. 7513."

Prior Deeds: Vol. 3747, Page 167; Vol. 3382, Page 558; Vol. 3243, Page 31; Volume 3239, Page 118; Vol. 3233, Page 588; Vol. 3747, Page 167; Vol. 3287, Page 509; Vol. 3089, Page 495; Vol. 3233, Page 491; Vol. 3342, Page 404; Vol. 3244, Page 323; Vol. 3246, Page 221; Vol. 3239, Page 590; Vol. 3288, Page 587; Vol. 3244, Page 322.

Legal Description of School District's Premises Existing Anton Grdina Elementary School located at 3030 E. 77th Street

AUDITOR PERMANENT
PARCEL NUMBER 125-19-066

School Addition Parcel

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 327 and bounded and described as follows:

Beginning in the center line of Trenton Avenue S.E. (50 feet wide), at its intersection with the original center line of East 77th Street (50 feet wide); thence South 0° 26' 18" East, along the Southerly prolongation of said center line of East 77th Street, 98.89 feet to a point of curvature;

thence South 89° 33' 42" West, 33.00 feet to the Westerly line of Carson Avenue S.E., proposed (66 feet wide) and the principal place of beginning of the parcel of land herein intended to be described; thence Southwesterly, along the Southeasterly line of Parcel 5-B of land conveyed to the Board of Education of the Cleveland School District, by deed dated August 16, 1958 and recorded in Volume 9412, Page 79 of Cuyahoga County Records, being a curved line deflecting to the right, having a radius of 147.00 feet, a chord which bears South 51° 21' 24.5" West, 231.03 feet, an arc distance of 265.77 feet to a point of tangency; thence North 76° 50' 53" West, along the Southerly line of said Parcel 5-B of land conveyed to the Board of Education of the Cleveland District, 108.54 feet to the Southwesterly corner of said Parcel 5-B of land conveyed to the Board of Education of the Cleveland School District; thence South 0° 25' 58" East, 159.83 feet to a point in the Northerly line of Carson Avenue S.E., proposed, 66 feet wide, distance Easterly (measured along said Northerly line of Carson Avenue S.E., proposed), an arc distance of 345.86 feet from the Easterly end of a curved turnout between said Northerly line of Carson Avenue S.E., proposed, and the Easterly line of East 73rd Street, proposed (60 feet wide); thence North-easterly along the Northwesterly line of said Carson Avenue S.E. (proposed), being the arc of a circle deflecting to the left, having a radius of 499.00 feet, a chord which bears North 62° 35' 39" East, 190.98 feet, an arc distance of 192.17 feet to a point of tangency; thence North 51° 33' 42" East, along said Northwesterly line of Carson Avenue S.E. (proposed), 48.95 feet to a point of curvature; thence Northeasterly, along said Northwesterly line of Carson Avenue S.E., (proposed), which is the arc of a circle deflecting to the left, having a radius of 203.646 feet, a chord which bears North 25° 33' 42" East, 178.55 feet, an arc distance of 184.82 feet to the principal place of beginning and containing 20,787 square feet (0.4772 Acres) of land, be the same more or less but subject to all legal highways.

Parcel 5-B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 19, 20, 21, and 22 and parts of Sublots Nos. 23, 24, 25, 26, 27, 104, 105, 106, 107, 108, and 109, and parts of East 75th St. (now vacated) and Trenton Ave. (now vacated) as shown on Whiting and Burts Allotment of part of Original Lot 327 as recorded in Volume 5, Page 6 of Cuyahoga County Records, more particularly bounded and described as follows:

Beginning at a point of intersection of the easterly line of East 75th St., (50 feet wide) with the southerly line of Rouse Ave., S.E., (50 feet wide) extended.

1. Thence north 0°-25'-58" west, along said easterly line of East 75th St., 1.23 feet to a point in the northerly line of Sublot No. 19 in Whiting and Burts Allotment.

2. Thence north 89°-33'-40" east, along said northerly line of Sublots Nos. 19 and 27 of Whiting and Burts Allotment, 262.00 feet to a point in the proposed westerly line of East 77th St. Said point being distant 8.00 feet westerly as measured at right angles from the present westerly line of East

77th St. (now 50 feet wide).

3. Thence south $0^{\circ}26'18''$ east, along said proposed westerly line which is parallel to and distant 8.00 feet from said present westerly line of East 77th St. (now 50 feet wide), 337.55 feet to a point of curvature, said point being the beginning of the northwesterly line of proposed Garden Valley Ave., S.E.

4. Thence southwest, along said northwesterly line of proposed Garden Valley Ave., S.E. (66 feet wide) which is an arc of a circle deflecting to the right and having a radius of 147.00 feet, a chord of 231.03 feet which bears south $51^{\circ}21'24''$ west, an arc distance of 265.77 feet to a point of tangency.

5. Thence north $76^{\circ}50'53''$ west, along the northerly line of proposed Garden Valley Ave., S.E., (66 feet wide) 108.54 feet to a point in the center line of East 75th St. (50 feet wide) now vacated.

6. Thence north $0^{\circ}25'58''$ west, along said center line of East 75th St., now vacated, 453.73 feet to a point in the southerly line of Rouse Ave. (50 feet wide) extended.

7. Thence north $89^{\circ}36'53''$ east, along said southerly line of Rouse Ave. extended, 25.00 feet to the place of beginning.

Contains 3.0437 Acres.

Section 2. That the agreement or agreements shall also provide for the conveyance by the City to the School District of the following described property located at 2248 W. 53rd Street, known as PPN 006-16-020 (a Land Bank parcel):

**Legal Description of City's Land
Bank Parcel located at 2248
W. 53rd Street**

AUDITOR PERMANENT
PARCEL NUMBER 006-16-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and being Sublot No. 24 in Crumb and Baslington's re-allotment of Part of Original Brooklyn Township Lot No. 48, as shown by the recorded plat in Volume 5 of Maps, Page 52 of Cuyahoga County Records, and being 36 feet front on the West side of West 53rd Street (formerly Swiss Street) and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That the agreement or agreements shall also provide for the conveyance by the City to CMHA of the following described property located at 3030 E. 77th Street, known as PPN 125-19-066 (the former Anton Grdina Elementary School site):

**Legal Description of School District's
Premises Existing Anton Grdina
Elementary School located at
3030 E. 77th Street**

AUDITOR PERMANENT
PARCEL NUMBER 125-19-066

School Addition Parcel
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 327 and bounded and described as follows:

Beginning in the center line of Trenton Avenue S.E. (50 feet wide), at its intersection with the original center line of East 77th Street (50 feet wide); thence South $0^{\circ}26'18''$ East, along the Southerly prolongation of

said center line of East 77th Street, 98.89 feet to a point of curvature; thence South $89^{\circ}33'42''$ West, 33.00 feet to the Westerly line of Carson Avenue S.E., proposed (66 feet wide) and the principal place of beginning of the parcel of land herein intended to be described; thence Southwesterly, along the Southeasterly line of Parcel 5-B of land conveyed to the Board of Education of the Cleveland School District, by deed dated August 16, 1958 and recorded in Volume 9412, Page 79 of Cuyahoga County Records, being a curved line deflecting to the right, having a radius of 147.00 feet, a chord which bears South $51^{\circ}21'24.5''$ West, 231.03 feet, an arc distance of 265.77 feet to a point of tangency; thence North $76^{\circ}50'53''$ West, along the Southerly line of said Parcel 5-B of land conveyed to the Board of Education of the Cleveland District, 108.54 feet to the Southwesterly corner of said Parcel 5-B of land conveyed to the Board of Education of the Cleveland School District; thence South $0^{\circ}25'58''$ East, 159.83 feet to a point in the Northerly line of Carson Avenue S.E., proposed, 66 feet wide, distance Easterly (measured along said Northerly line of Carson Avenue S.E., proposed), an arc distance of 345.86 feet from the Easterly end of a curved turnout between said Northerly line of Carson Avenue S.E., proposed, and the Easterly line of East 73rd Street, proposed (60 feet wide); thence Northeasterly along the Northwesterly line of said Carson Avenue S.E. (proposed), being the arc of a circle deflecting to the left, having a radius of 499.00 feet, a chord which bears North $62^{\circ}35'39''$ East, 190.98 feet, an arc distance of 192.17 feet to a point of tangency; thence North $51^{\circ}33'42''$ East, along said Northwesterly line of Carson Avenue S.E. (proposed), 48.95 feet to a point of curvature; thence Northeasterly, along said Northwesterly line of Carson Avenue S.E., (proposed), which is the arc of a circle deflecting to the left, having a radius of 203.646 feet, a chord which bears North $25^{\circ}33'42''$ East, 178.55 feet, an arc distance of 184.82 feet to the principal place of beginning and containing 20,787 square feet (0.4772 Acres) of land, be the same more or less but subject to all legal highways.

Parcel 5-B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 19, 20, 21, and 22 and parts of Sublots Nos. 23, 24, 25, 26, 27, 104, 105, 106, 107, 108, and 109, and parts of East 75th St. (now vacated) and Trenton Ave. (now vacated) as shown on Whiting and Burts Allotment of part of Original Lot 327 as recorded in Volume 5, Page 6 of Cuyahoga County Records, more particularly bounded and described as follows:

Beginning at a point of intersection of the easterly line of East 75th St., (50 feet wide) with the southerly line of Rouse Ave., S.E., (50 feet wide) extended.

1. Thence north $0^{\circ}25'58''$ west, along said easterly line of East 75th St., 1.23 feet to a point in the northerly line of Sublot No. 19 in Whiting and Burts Allotment.

2. Thence north $89^{\circ}33'40''$ east, along said northerly line of Sublots Nos. 19 and 27 of Whiting and Burts Allotment, 262.00 feet to a point in the proposed westerly line of East 77th St. Said point being distant 8.00 feet

westerly as measured at right angles from the present westerly line of East 77th St. (now 50 feet wide).

3. Thence south $0^{\circ}26'18''$ east, along said proposed westerly line which is parallel to and distant 8.00 feet from said present westerly line of East 77th St. (now 50 feet wide), 337.55 feet to a point of curvature, said point being the beginning of the northwesterly line of proposed Garden Valley Ave., S.E.

4. Thence southwest, along said northwesterly line of proposed Garden Valley Ave., S.E. (66 feet wide) which is an arc of a circle deflecting to the right and having a radius of 147.00 feet, a chord of 231.03 feet which bears south $51^{\circ}21'24''$ west, an arc distance of 265.77 feet to a point of tangency.

5. Thence north $76^{\circ}50'53''$ west, along the northerly line of proposed Garden Valley Ave., S.E., (66 feet wide) 108.54 feet to a point in the center line of East 75th St. (50 feet wide) now vacated.

6. Thence north $0^{\circ}25'58''$ west, along said center line of East 75th St., now vacated, 453.73 feet to a point in the southerly line of Rouse Ave. (50 feet wide) extended.

7. Thence north $89^{\circ}36'53''$ east, along said southerly line of Rouse Ave. extended, 25.00 feet to the place of beginning.

Contains 3.0437 Acres.

Section 4. That the agreement or agreements authorized above shall be prepared by the Director of Law.

Section 5. That, notwithstanding and as an exception to Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the properties described in Section 1 of this ordinance.

Section 6. That the Director of Public Safety is authorized to execute on behalf of the City all necessary documents to acquire the properties described in Section 1 and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 7. That the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 2 to the School District by official deed prepared by the Director of Law and signed by the Mayor, which deed will include such restrictive reversionary interests as may be specified by the Director of Community Development or Director of Law, and shall specifically contain a provision against the erection of any advertising signs or billboards, excepting permitted identification signs, in exchange for \$1.00 payable to the City's Department of Community Development and the School District properties described in Section 1 for conveyance fee of \$161,100 to be paid to the School District plus other consideration determined to be fair market value.

Section 8. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to convey the former Anton Grdina Elementary School property located at 3030 E. 77th Street and described in Section 1 of this ordinance to CMHA for public use by official deed prepared by the

Director of Law and signed by the Mayor for fair market value determined to be \$122,600.

Section 9. That \$38,500 of the costs of the conveyances referred to above shall be paid from Fund Nos. 20 SF 509, 20 SF 539, and 20 SF 545 and \$122,600 shall be paid from the Fund to which the purchase price paid by CMHA in Section 8 above is deposited. (RQS 0103, RL 2012-179)

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1714-12.

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

An emergency ordinance authorizing the Director of Port Control to enter into an agreement with LHD & Associates, Inc. for federal government lobbying services necessary to assist the Department of Port Control with airport-related federal agencies and issues, for a period of two years, with one option to renew for a two-year period, exercisable by the Director of Port Control, if authorized by 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 enter into an agreement with LHD & Associates, Inc. for federal government lobbying services necessary to assist the Department of Port Control with airport-related federal agencies and issues for a period of two years, with one option to renew for a two-year period, exercisable by the Director of Port Control, if authorized by additional legislative authority, payable from funds appropriated in Budget Years 2013 and 2014 for this purpose, Request No. RQS 3001, RL 2012-176.

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1715-12.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Crowell & Moring LLP for federal lobbying services for the City of Cleveland, for a period of two years, with one option to renew for a two-year period, exercisable by the Director of Finance, if authorized by 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 Finance is authorized to enter into an agreement with Crowell & Moring LLP for federal lobbying services for the City of Cleveland for a period of two years, with one option to renew for a two-year period, exercisable by the Director of Finance, if authorized by additional legislative authority, payable from funds appropriated in Budget Years 2013 and 2014 for this purpose, Request No. RQS 0117, RL 2012-183.

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1722-12.

By Council Member K. Johnson.

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the East 139th Street Block Club to encroach into the public right-of-way above Kinsman Road, Abell Avenue and East 139th Street with Christmas Wreaths and hangers to be attached to Cleveland Public Power utility poles (by separate permission of the poles' owners).

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to the East 139th Street Block Club ("Permittee3347 East 139th Street, Cleveland, Ohio 44120 to encroach into the public right-of-way above Kinsman Road, Abell Avenue and East 139th Street by installing, using, and maintaining 19 Christmas Wreaths and hangers to be attached to Cleveland Public Power utility poles (by separate permission of the poles' owners) for the period starting December 4, 2012 and ending January 5, 2013, at the locations more fully described as follows:

| LOCATION | POLE OWNER |
|-------------------|------------|
| East 139th Street | |
| 1.) 3342 | CPP |
| 2.) 3352 | CPP |
| 3.) 3336 | CPP |
| 4.) 3378 | CPP |
| 5.) 3390 | CPP |
| 6.) 3404 | CPP |
| 7.) 3416 | CPP |
| 8.) 3428 | CPP |
| 9.) 3436 | CPP |
| 10.) 3444 | CPP |
| 11.) 3329 | CPP |
| 12.) 3320 | CPP |
| 13.) 3308 | CPP |
| 14.) 3296 | CPP |
| 15.) 3280 | CPP |
| 16.) 3268 | CPP |
| 17.) 3252 | CPP |

Corner of East 139th Street and Kinsman Road
18.) 13815 Kinsman Road CPP

Corner of East 139th Street and Abell Avenue
19.) 13820 Abell Avenue CPP

Section 2. That Permittee may assign the permit only with the written consent of the Director of Capital Projects. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1723-12.

By Council Members Zone, Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 67924 and the Promissory Note with Detroit Shoreway Community Development for the historical renovation of the Capitol Theatre, to allow for a deferral of principal and interest until December 31, 2014 and to extend terms of the loan for five years.

Whereas, under Ordinance No. 1420-07, passed October 1, 2007, as amended by Ordinance 656-08, passed April 28, 2008, this Council authorized a loan to Detroit Shoreway Community Development Organization for the historical renovation of the Capitol Theatre at 1400 West 65th Street, Contract 67924; and

Whereas, the Director of Economic Development and Detroit Shoreway Community Development Organization wish to amend the repayment terms of the loan and to amend the Promissory Note; and

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

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

Section 1. That the Director of Economic Development is authorized to

enter into an amendment to Contract No. 67924 with Detroit Shoreway Community Development Organization for the historical renovation of the Capitol Theatre, to allow for a deferral of principal and interest until December 31, 2014, to extend terms of the loan for five years, and to amend

the Promissory Note. All other terms of the loan shall remain the same.

Section 2. That the Director of Law shall prepare the amendment.

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 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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1724-12.

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

An emergency ordinance to amend Section 38 of Ordinance No. 1689-11, passed November 28, 2011, as amended by various ordinances, relating to compensation for various classifications.

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

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

Section 1. That Section 38 of Ordinance No. 1689-11, passed November 28, 2011 shall be amended as follows:

Section 38. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

| | | Minimum | Maximum |
|-----|---|----------------|----------------|
| 1. | Administrative Manager..... | \$27,193.55 | \$101,816.22 |
| 2. | Assistant Commissioner of Water..... | 27,325.56 | 122,253.61 |
| 3. | Assistant Secretary of Sinking Fund Commission..... | 27,325.56 | 97,819.83 |
| 4. | Chief of Health Planning and Evaluation..... | 27,325.56 | 77,502.92 |
| 5. | Chief-Systems Analysis..... | 27,325.56 | 97,819.83 |
| 6. | Consulting Engineer..... | 36,000.00 | 94,991.29 |
| 7. | Harbor Manager..... | 27,325.56 | 97,819.83 |
| 8. | Labor Relations Officer..... | 27,325.56 | 77,502.92 |
| 9. | Manager of Employee Relations..... | 27,325.56 | 90,294.89 |
| 10. | Manager of Equal Employment Opportunity..... | 27,325.56 | 90,294.89 |
| 11. | Minority Business Development Administrator..... | 27,325.56 | 77,502.92 |
| 12. | Project Coordinator..... | 27,325.56 | 90,294.89 |
| 13. | Risk Manager..... | 27,325.56 | 97,819.83 |
| 14. | Superintendent of Electric Trouble Operations..... | 27,325.56 | 77,502.92 |
| 15. | Water Business Plan Manager..... | 27,325.56 | 90,294.89 |
| 16. | Health Services Administrator..... | 27,325.56 | 77,502.92 |

Section 2. That Section 38 of Ordinance No. 1689-11, passed November 28, 2011, is repealed.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1725-12.

By Council Member Kelley (by departmental request).

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

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

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

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

| <u>Claimant</u> | <u>Claim No.</u> | <u>Amount</u> | <u>Fund</u> |
|---|------------------|---------------|------------------|
| Department of Building and Housing | | | |
| Board-Up Division | | | |
| Samuele, Vincent | 12437 | \$1,249.00 | 01-800501-672000 |
| Department of Public Safety | | | |
| Division of Emergency Medical Service: | | | |
| Patterson, Geraldine | 12436 | \$500.00 | 01-600402-672000 |
| Fire Department: | | | |
| Cicero, Deepa | 12426 | \$500.00 | 01-600301-672000 |
| Dan, Ioan | 12431 | 500.00 | 01-600301-672000 |
| Cesa, Angela | 12443 | 250.00 | 01-600301-672000 |
| Smith, Tonya | 12444 | 1,888.00 | 01-600301-672000 |

City Jail:

| | | | |
|------------------|-------|----------|------------------|
| Hamilton, Dererk | 12433 | \$500.00 | 01-600701-672000 |
|------------------|-------|----------|------------------|

City Kennels:

| | | | |
|---------------|-------|----------|------------------|
| Ferguson, Ann | 12440 | \$500.00 | 01-600601-672000 |
|---------------|-------|----------|------------------|

Police Department:

| | | | |
|---|-------|----------|------------------|
| Kira, Walker | 12441 | \$721.23 | 01-600202-672000 |
| Cleveland Metropolitan Housing Authority | 12447 | 595.00 | 01-600202-672000 |

Parks Recreation and Properties**Division of Park Maintenance:**

| | | | |
|------------------|-------|----------|------------------|
| Morgan, Margaret | 12434 | \$250.00 | 01-701205-672000 |
| Carver, Andee | 12446 | 261.83 | 01-701205-672000 |
| Elbee, Arthur | 12448 | 775.00 | 01-701205-672000 |

Division of Waste:

| | | | |
|-----------------------------------|-------|----------|------------------|
| Sliman, Richard | 12422 | \$250.00 | 01-400303-672000 |
| Webster, Cleva L. | 12424 | 150.00 | 01-400303-672000 |
| O'Mally, Karen Agent for The Harp | 12427 | 1,500.00 | 01-400303-672000 |
| Spremulli, Roberta | 12432 | 500.00 | 01-400303-672000 |

Department of Public Utilities**Water Department**

| | | | |
|-----------------------------|------|------------|-----------|
| Condominiums at Stonebridge | 5696 | \$2,000.00 | 52 SF 001 |
| Rosemary Jones | 5852 | \$250.00 | 52 SF 001 |

Cleveland Public Power

| | | | |
|------------------|------|----------|-----------|
| Barbara Colonius | 6015 | \$517.67 | 58 SF 001 |
|------------------|------|----------|-----------|

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

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1729-12.

By Council Member Kelley (by departmental request).

An emergency ordinance to provide for the transfer and amendment to the General Fund appropriations in the amount of Three Million Three Hundred Sixty Two Thousand (\$3,362,000), and Two Million Eight Hundred Thousand (\$2,800,000) within the Enterprise Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 amendment to the General Fund appropriations in the amount of Three Million Three Hundred Sixty Two Thousand (\$3,362,000), and Two Million Eight Hundred Thousand (\$2,800,000) within the Enterprise Fund as follows:

| | Transfer To | Transfer From |
|-------------------------------------|----------------|------------------|
| GENERAL FUND | | |
| GENERAL GOVERNMENT | | |
| Municipal Court - Judicial Division | | |
| II. Other Expenses | \$ - | \$ 175,000 |
| Municipal Court - Clerk's Division | | |
| I. Personnel and Related Expenses | - | 100,000 |
| II. Other Expenses | 100,000 | - |

| | | |
|---|-----------|-----------|
| Office of Capital Projects | | |
| I. Personnel and Related Expenses | 7,000 | - |
| II. Other Expenses | - | 7,000 |
| Community Relations Board | | |
| II. Other Expenses | 10,000 | - |
| Office of Equal Opportunity | | |
| I. Personnel and Related Expenses | 27,000 | - |
| Office of Budget and Management | | |
| II. Other Expenses | 13,000 | - |
| TOTAL GENERAL GOVERNMENT | 157,000 | 282,000 |
| DEPARTMENT OF LAW | | |
| Division of Law | | |
| I. Personnel and Related Expenses | - | 500,000 |
| II. Other Expenses | 700,000 | |
| TOTAL DEPARTMENT OF LAW | 700,000 | 500,000 |
| DEPARTMENT OF FINANCE | | |
| Division of Assessments and Licenses | | |
| II. Other Expenses | 90,000 | - |
| TOTAL DEPARTMENT OF FINANCE | 90,000 | - |
| DEPARTMENT OF PUBLIC HEALTH | | |
| Public Health Administration | | |
| I. Personnel and Related Expenses | 25,000 | - |
| Division of Health | | |
| I. Personnel and Related Expenses | 25,000 | - |
| II. Other Expenses | 300,000 | - |
| Division of the Environment | | |
| II. Other Expenses | 3,000 | - |
| Division of Air Quality | | |
| I. Personnel and Related Expenses | 1,000 | - |
| TOTAL DEPARTMENT OF PUBLIC HEALTH | 354,000 | - |
| DEPARTMENT OF PUBLIC SAFETY | | |
| Public Safety Administration | | |
| II. Other Expenses | 175,000 | - |
| Division of Police | | |
| I. Personnel and Related Expenses | 1,250,000 | - |
| Division of Fire | | |
| I. Personnel and Related Expenses | - | 1,000,000 |
| Division of Emergency Medical Services | | |
| I. Personnel and Related Expenses | - | 548,000 |
| II. Other Expenses | 123,000 | - |
| TOTAL DEPARTMENT OF PUBLIC SAFETY | 1,548,000 | 1,548,000 |
| DEPARTMENT OF PUBLIC WORKS | | |
| Division of Recreation | | |
| II. Other Expenses | 225,000 | - |
| Division of Parking Facilities - On Street | | |
| II. Other Expenses | 73,000 | - |
| Division of Park Maintenance and Properties | | |
| II. Other Expenses | 95,000 | - |
| TOTAL DEPARTMENT OF PUBLIC WORKS | 393,000 | - |

| | | |
|--|-----------|-----------|
| DEPARTMENT OF BUILDING AND HOUSING | | |
| Building and Housing Director's Office | | |
| II. Other Expenses | 15,000 | - |
| TOTAL DEPARTMENT OF BUILDING AND HOUSING | 15,000 | - |
| NONDEPARTMENTAL | | |
| County Auditor Deductions | | |
| II. Other Expenses | 105,000 | - |
| Transfers to Other Funds | | |
| II. Other Expenses | - | 1,032,000 |
| TOTAL NONDEPARTMENTAL | 105,000 | 1,032,000 |
| TOTAL GENERAL FUND | 3,362,000 | 3,362,000 |
| ENTERPRISE FUNDS | | |
| DEPARTMENT OF PUBLIC UTILITIES | | |
| Division of Water | | |
| I. Personnel and Related Expenses | - | 2,800,000 |
| II. Other Expenses | 2,800,000 | - |
| TOTAL DEPARTMENT OF PUBLIC UTILITIES | 2,800,000 | 2,800,000 |

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 December 3, 2012.

Effective December 6, 2012.

Ord. No. 1730-12.

By Council Member Kelley (by departmental request).

An emergency ordinance to make additional appropriations of Six Hundred Sixty Five Thousand (\$665,000) of Enterprise Funds, and Six Hundred Twenty Five Thousand (\$625,000) of Debt Service Funds.

Whereas, there remains an unappropriated balance in the various funds, the sum of One Million Two Hundred Ninety Thousand Dollars (\$1,290,000) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

| | | |
|--|---------|---------------------|
| ENTERPRISE FUND | | \$ 665,000 |
| DEBT SERVICE FUND | | 625,000 |
| TOTAL ALL FUNDS | | <u>1,290,000</u> |
| ENTERPRISE FUNDS | | |
| DEPARTMENT OF PUBLIC WORKS | | |
| Division of Parking Facilities - Off Street Parking | | |
| II. Other Expenses | 625,000 | 625,000 |
| Division of Convention Center & Stadium - West Side Market | | |
| II. Other Expenses | 40,000 | 40,000 |
| TOTAL DEPARTMENT OF PUBLIC WORKS | | <u>665,000</u> |
| TOTAL ENTERPRISE FUND | | 665,000 |
| DEBT SERVICE FUND | | |
| Sinking Fund Commission | | |
| III. Debt Service | 625,000 | 625,000 |
| TOTAL DEBT SERVICE FUND | | <u>625,000</u> |
| TOTAL ALL FUNDS | | <u>\$ 1,290,000</u> |

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

Passed December 3, 2012.

Effective December 6, 2012.

Ord. No. 1731-12.

By Council Member Kelley (by departmental request).

An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2013 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2013.

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until the amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; 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. To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2013 until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 2013, there be and there is hereby appropriated for the period from January 1, 2013 until the effective date of the Annual Appropriation Four Hundred Ninety Eight Million, Four Hundred Eighty Five Thousand, Eight Hundred Thirty Six Dollars (\$498,485,836) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

2013 TEMPORARY BUDGET ORDINANCE

| GENERAL FUND | | |
|--|--|---------------|
| Legislative Branch | | \$2,653,138 |
| Judicial Branch | | \$15,903,575 |
| Executive Branch | | |
| General Government | | \$3,825,033 |
| Department of Aging | | \$301,600 |
| Department of Personnel | | \$1,011,613 |
| Department of Community Development (Consumer Affairs) | | \$86,937 |
| Department of Law | | \$3,355,743 |
| Department of Finance | | \$5,501,071 |
| Department of Public Health | | \$2,446,446 |
| Department of Public Safety | | \$89,792,287 |
| Department of Public Works | | \$23,412,474 |
| Department of Building and Housing | | \$2,812,876 |
| Department of Economic Development | | \$456,781 |
| Nondepartmental | | \$17,466,095 |
| | | <hr/> |
| Total Executive Branch | | \$150,468,956 |
| | | <hr/> |
| TOTAL GENERAL FUND | | \$169,025,669 |
| | | <hr/> |
| Special Revenue Funds | | \$50,371,700 |
| Internal Service Funds | | \$11,522,417 |
| Enterprise Funds | | \$240,327,307 |
| Agency Funds | | \$3,405,132 |
| Debt Service Funds | | \$23,833,611 |
| | | <hr/> |
| TOTAL APPROPRIATIONS FOR 2012 | | \$498,485,836 |
| | | <hr/> |

GENERAL FUND

LEGISLATIVE BRANCH

| | | |
|-----------------------------------|-------------|-------------|
| Council and Clerk of Council | | \$2,653,138 |
| I. Personnel and Related Expenses | \$1,430,452 | |
| II. Other Expenses | 1,222,686 | |
| | | <hr/> |
| TOTAL LEGISLATIVE BRANCH | | \$2,653,138 |
| | | <hr/> |

JUDICIAL BRANCH

| | | |
|-------------------------------------|-------------|---------------------|
| Municipal Court - Judicial Division | | \$7,752,893 |
| I. Personnel and Related Expenses | \$5,316,843 | |
| II. Other Expenses | 2,436,050 | |
| Municipal Court - Clerk's Division | | \$7,188,916 |
| I. Personnel and Related Expenses | \$2,526,134 | |
| II. Other Expenses | 4,662,782 | |
| Municipal Court - Housing Division | | \$961,766 |
| I. Personnel and Related Expenses | \$904,491 | |
| II. Other Expenses | 57,275 | |
| TOTAL JUDICIAL BRANCH | | <u>\$15,903,575</u> |

EXECUTIVE BRANCH

GENERAL GOVERNMENT

| | | |
|---|-------------|--------------------|
| Office of the Mayor | | \$714,220 |
| I. Personnel and Related Expenses | \$660,738 | |
| II. Other Expenses | 53,482 | |
| Office of Capital Projects | | \$1,325,332 |
| I. Personnel and Related Expenses | \$1,100,499 | |
| II. Other Expenses | 224,833 | |
| Landmarks Commission | | \$54,729 |
| I. Personnel and Related Expenses | \$52,730 | |
| II. Other Expenses | 1,999 | |
| Board of Building Standards and Appeals | | \$38,163 |
| I. Personnel and Related Expenses | \$32,867 | |
| II. Other Expenses | 5,296 | |
| Board of Zoning Appeals | | \$61,249 |
| I. Personnel and Related Expenses | \$55,116 | |
| II. Other Expenses | 6,133 | |
| Civil Service Commission | | \$476,934 |
| I. Personnel and Related Expenses | \$173,525 | |
| II. Other Expenses | 303,409 | |
| Community Relations Board | | \$347,305 |
| I. Personnel and Related Expenses | \$327,667 | |
| II. Other Expenses | 19,638 | |
| City Planning Commission | | \$443,444 |
| I. Personnel and Related Expenses | \$405,842 | |
| II. Other Expenses | 37,602 | |
| Boxing and Wrestling Commission | | \$2,034 |
| I. Personnel and Related Expenses | \$2,034 | |
| Office of Equal Opportunity | | \$142,386 |
| I. Personnel and Related Expenses | \$133,408 | |
| II. Other Expenses | 8,978 | |
| Office of Budget & Management | | \$219,237 |
| I. Personnel and Related Expenses | \$215,017 | |
| II. Other Expenses | 4,220 | |
| TOTAL GENERAL GOVERNMENT | | <u>\$3,825,033</u> |

DEPARTMENT OF AGING

| | | |
|-----------------------------------|-----------|------------------|
| Department of Aging | | \$301,600 |
| I. Personnel and Related Expenses | \$214,806 | |
| II. Other Expenses | 86,794 | |
| TOTAL DEPARTMENT OF AGING | | <u>\$301,600</u> |

DEPARTMENT OF PERSONNEL

| | | |
|-----------------------------------|-----------|-------------|
| Office of Personnel | | \$1,011,613 |
| I. Personnel and Related Expenses | \$370,331 | |
| II. Other Expenses | 641,282 | |

| | | |
|-------------------------------|--|-------------|
| TOTAL DEPARTMENT OF PERSONNEL | | \$1,011,613 |
|-------------------------------|--|-------------|

DEPARTMENT OF COMMUNITY DEVELOPMENT (Consumer Affairs)

| | | |
|-----------------------------------|----------|----------|
| Division of Consumer Affairs | | \$86,937 |
| I. Personnel and Related Expenses | \$79,303 | |
| II. Other Expenses | 7,634 | |

| | | |
|--------------------------------------|--|----------|
| TOTAL DEPARTMENT OF CONSUMER AFFAIRS | | \$86,937 |
|--------------------------------------|--|----------|

DEPARTMENT OF LAW

| | | |
|-----------------------------------|-------------|-------------|
| Division of Law | | \$3,355,743 |
| I. Personnel and Related Expenses | \$1,814,025 | |
| II. Other Expenses | 1,541,718 | |

| | | |
|-------------------------|--|-------------|
| TOTAL DEPARTMENT OF LAW | | \$3,355,743 |
|-------------------------|--|-------------|

DEPARTMENT OF FINANCE

| | | |
|-----------------------------------|-----------|-----------|
| Finance Administration | | \$279,780 |
| I. Personnel and Related Expenses | \$263,826 | |
| II. Other Expenses | 15,954 | |

| | | |
|-----------------------------------|-----------|-----------|
| Division of Accounts | | \$640,908 |
| I. Personnel and Related Expenses | \$384,863 | |
| II. Other Expenses | 256,045 | |

| | | |
|--------------------------------------|-----------|-------------|
| Division of Assessments and Licenses | | \$1,361,248 |
| I. Personnel and Related Expenses | \$686,941 | |
| II. Other Expenses | 674,307 | |

| | | |
|-----------------------------------|-----------|-----------|
| Division of Treasury | | \$187,261 |
| I. Personnel and Related Expenses | \$132,934 | |
| II. Other Expenses | 54,327 | |

| | | |
|------------------------------------|-----------|-----------|
| Division of Purchases and Supplies | | \$206,091 |
| I. Personnel and Related Expenses | \$188,989 | |
| II. Other Expenses | 17,102 | |

| | | |
|-----------------------------------|-----------|-----------|
| Bureau of Internal Audit | | \$633,451 |
| I. Personnel and Related Expenses | \$149,426 | |
| II. Other Expenses | 484,025 | |

| | | |
|---|-----------|-----------|
| Division of Financial Reporting and Control | | \$367,490 |
| I. Personnel and Related Expenses | \$356,839 | |
| II. Other Expenses | 10,651 | |

| | | |
|-----------------------------------|-----------|-------------|
| Information Systems Services | | \$1,824,842 |
| I. Personnel and Related Expenses | \$550,777 | |
| II. Other Expenses | 1,274,065 | |

| | | |
|-----------------------------|--|-------------|
| TOTAL DEPARTMENT OF FINANCE | | \$5,501,071 |
|-----------------------------|--|-------------|

DEPARTMENT OF PUBLIC HEALTH

| | | |
|-----------------------------------|-----------|-----------|
| Public Health Administration | | \$494,640 |
| I. Personnel and Related Expenses | \$169,311 | |
| II. Other Expenses | 325,329 | |

| | | |
|-----------------------------------|-----------|--------------------|
| Division of Health | | \$1,415,901 |
| I. Personnel and Related Expenses | \$525,063 | |
| II. Other Expenses | 890,838 | |
| Division of Environment | | \$392,156 |
| I. Personnel and Related Expenses | \$231,416 | |
| II. Other Expenses | 160,740 | |
| Division of Air Quality | | \$143,749 |
| I. Personnel and Related Expenses | \$31,309 | |
| II. Other Expenses | 112,440 | |
| TOTAL DEPARTMENT OF PUBLIC HEALTH | | <u>\$2,446,446</u> |

DEPARTMENT OF PUBLIC SAFETY

| | | |
|--|--------------|---------------------|
| Public Safety Administration | | \$2,004,756 |
| I. Personnel and Related Expenses | \$828,084 | |
| II. Other Expenses | 1,176,672 | |
| Division of Police | | \$51,166,462 |
| I. Personnel and Related Expenses | \$47,044,633 | |
| II. Other Expenses | 4,121,829 | |
| Division of Fire | | \$24,671,440 |
| I. Personnel and Related Expenses | \$23,305,997 | |
| II. Other Expenses | 1,365,443 | |
| Division of Emergency Medical Services | | \$7,064,489 |
| I. Personnel and Related Expenses | \$5,926,791 | |
| II. Other Expenses | 1,137,698 | |
| Division of Animal Control Services | | \$422,071 |
| I. Personnel and Related Expenses | \$275,527 | |
| II. Other Expenses | 146,544 | |
| Division of Correction | | \$4,463,069 |
| I. Personnel and Related Expenses | \$2,951,498 | |
| II. Other Expenses | 1,511,571 | |
| TOTAL DEPARTMENT OF PUBLIC SAFETY | | <u>\$89,792,287</u> |

DEPARTMENT OF PUBLIC WORKS

| | | |
|---|-------------|---------------------|
| Division of Public Works Administration | | \$873,978 |
| I. Personnel and Related Expenses | \$791,383 | |
| II. Other Expenses | 82,595 | |
| Division of Recreation | | \$4,616,325 |
| I. Personnel and Related Expenses | \$2,310,179 | |
| II. Other Expenses | 2,306,146 | |
| Division of Parking Facilities-On Street | | \$359,130 |
| I. Personnel and Related Expenses | \$337,461 | |
| II. Other Expenses | 21,669 | |
| Division of Property Management | | \$2,691,514 |
| I. Personnel and Related Expenses | \$1,555,483 | |
| II. Other Expenses | 1,136,031 | |
| Division of Park Maintenance and Properties | | \$5,419,057 |
| I. Personnel and Related Expenses | \$2,425,697 | |
| II. Other Expenses | 2,993,360 | |
| Division of Waste | | \$8,358,696 |
| I. Personnel and Related Expenses | \$3,870,423 | |
| II. Other Expenses | 4,488,273 | |
| Division of Traffic Engineering | | \$1,093,774 |
| I. Personnel and Related Expenses | \$772,420 | |
| II. Other Expenses | 321,354 | |
| TOTAL DEPARTMENT OF PUBLIC WORKS | | <u>\$23,412,474</u> |

| DEPARTMENT OF BUILDING AND HOUSING | | |
|---|--------------|----------------------|
| Building and Housing Dir Office | | \$650,660 |
| I. Personnel and Related Expenses | \$463,631 | |
| II. Other Expenses | 187,029 | |
| Division of Code Enforcement | | \$1,722,210 |
| I. Personnel and Related Expenses | \$1,641,396 | |
| II. Other Expenses | 80,814 | |
| Division of Construction Permit | | \$440,006 |
| I. Personnel and Related Expenses | \$433,476 | |
| II. Other Expenses | 6,530 | |
| TOTAL DEPARTMENT OF BUILDING AND HOUSING | | <u>\$2,812,876</u> |
| DEPARTMENT OF ECONOMIC DEVELOPMENT | | |
| Economic Development | | \$456,781 |
| I. Personnel and Related Expenses | \$448,474 | |
| II. Other Expenses | 8,307 | |
| TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT | | <u>\$456,781</u> |
| NONDEPARTMENTAL | | |
| Other Administrative | | \$6,367,146 |
| II. Other Expenses | \$6,367,146 | |
| Transfers to Other Funds | | \$11,098,949 |
| II. Other Expenses | \$11,098,949 | |
| TOTAL NONDEPARTMENTAL | | <u>\$17,466,095</u> |
| TOTAL EXECUTIVE BRANCH | | <u>\$150,468,956</u> |
| TOTAL GENERAL FUND | | <u>\$169,025,669</u> |
| SPECIAL REVENUE FUND | | |
| Restricted Income Tax Fund | | \$36,344,711 |
| I. Capital | \$8,866,079 | |
| II. Debt Service | 27,478,632 | |
| Street Construction, Maintenance & Repair Fund | | \$14,026,989 |
| I. Personnel and Related Expenses | \$5,636,848 | |
| II. Other Expenses | 8,390,141 | |
| TOTAL SPECIAL REVENUE FUNDS | | <u>\$50,371,700</u> |
| INTERNAL SERVICE FUND | | |
| Sinking Fund Commission | | \$392,505 |
| I. Personnel and Related Expenses | \$52,105 | |
| II. Other Expenses | 340,400 | |
| Information Systems Services-Telephone Exchange | | \$2,503,747 |
| I. Personnel and Related Expenses | \$374,300 | |
| II. Other Expenses | 2,129,447 | |
| Division of Motor Vehicle Maintenance | | \$7,554,660 |
| I. Personnel and Related Expenses | \$1,643,683 | |
| II. Other Expenses | 5,910,977 | |
| Division of Printing and Reproduction | | \$828,254 |
| I. Personnel and Related Expenses | \$235,200 | |
| II. Other Expenses | 593,054 | |
| City Storeroom and Central Warehouse | | \$243,251 |
| I. Personnel and Related Expenses | \$28,221 | |
| II. Other Expenses | 215,030 | |
| TOTAL INTERNAL SERVICE FUNDS | | <u>\$11,522,417</u> |

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

| | | |
|--------------------------------------|--------------|----------------------|
| Utilities Administration | | \$1,012,600 |
| I. Personnel and Related Expenses | \$691,500 | |
| II. Other Expenses | 321,100 | |
| Radio | | \$1,332,069 |
| I. Personnel and Related Expenses | \$160,337 | |
| II. Other Expenses | 1,171,732 | |
| Division of Fiscal Control | | \$1,089,526 |
| I. Personnel and Related Expenses | \$861,186 | |
| II. Other Expenses | 228,340 | |
| Division of Water | | \$94,702,596 |
| I. Personnel and Related Expenses | \$23,458,101 | |
| II. Other Expenses | 71,244,495 | |
| Division of Water Pollution Control | | \$7,430,699 |
| I. Personnel and Related Expenses | \$3,014,492 | |
| II. Other Expenses | 4,416,207 | |
| Division of Cleveland Public Power | | \$69,440,635 |
| I. Personnel and Related Expenses | \$8,405,806 | |
| II. Other Expenses | 61,034,829 | |
| TOTAL DEPARTMENT OF PUBLIC UTILITIES | | <u>\$175,008,125</u> |

DEPARTMENT OF PORT CONTROL

| | | |
|---|-------------|---------------------|
| Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations | | \$55,736,518 |
| I. Personnel and Related Expenses | \$9,092,654 | |
| II. Other Expenses | 46,643,864 | |
| TOTAL DEPARTMENT OF PORT CONTROL | | <u>\$55,736,518</u> |

DEPARTMENT OF PUBLIC WORKS

| | | |
|--|-------------|----------------------|
| Division of Cemeteries | | \$676,579 |
| I. Personnel and Related Expenses | \$353,837 | |
| II. Other Expenses | 322,742 | |
| Golf Course Fund | | \$127,718 |
| I. Personnel and Related Expenses | \$7,200 | |
| II. Other Expenses | 120,518 | |
| Division of Parking Facilities-Off Street Parking | | \$3,995,822 |
| I. Personnel and Related Expenses | \$357,153 | |
| II. Other Expenses | 3,638,669 | |
| Division of Convention Center | | \$929,275 |
| I. Personnel and Related Expenses | \$308,190 | |
| II. Other Expenses | 621,085 | |
| Division of Convention Center & Stadium-West Side Market | | \$602,161 |
| I. Personnel and Related Expenses | \$122,890 | |
| II. Other Expenses | 479,271 | |
| Division of Convention Center & Stadium-Stadium | | \$3,235,109 |
| II. Other Expenses | \$3,235,109 | |
| Division of Property Management - East Side Market | | \$16,000 |
| II. Other Expenses | \$16,000 | |
| TOTAL DEPARTMENT OF PUBLIC WORKS | | <u>\$9,582,664</u> |
| TOTAL ENTERPRISE FUNDS | | <u>\$240,327,307</u> |

AGENCY FUND

| | | |
|-----------------------------------|-------------|--------------------|
| Central Collection Agency | | \$3,405,132 |
| I. Personnel and Related Expenses | \$1,818,064 | |
| II. Other Expenses | 1,587,068 | |
| TOTAL AGENCY FUND | | <u>\$3,405,132</u> |

DEBT SERVICE FUND

| | | |
|--------------------------|--------------|--------------|
| Sinking Fund Commission | | \$23,833,611 |
| II. Debt Service | \$23,833,611 | |
| | | |
| TOTAL DEBT SERVICE FUNDS | | \$23,833,611 |

Section 2. That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2013, when such appropriation ordinance shall become effective, and to the various departments and divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2013.

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 December 3, 2012.
Effective December 6, 2012.

Ord. No. 1732-12.
By Council Member Cummins.
An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with Great Lakes Integrated for a building signage improvement Project through the use of Ward 14 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Economic Development is authorized to enter into an agreement with Great Lakes Integrated for a building signage improvement Project for the public purpose of promoting economic business activity and new job creation through the use of Ward 14 Neighborhood Capital Fund.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1733-12.
By Council Members K. Johnson and Mitchell.

An emergency ordinance amending Section 2 of Ordinance No. 1706-12 passed November 26, 2012 as it pertains to authorizing the Director of the Department of Community Development to enter into an agreement with the Buckeye Area Development Corporation for the Senior Landscaping and Snow Removal Program through the use of Ward(s) 4 and 6 Neighborhood Capital Funds.

Whereas, this ordinance constitutes an emergency measure providing for

the usual daily operation of a municipal department; now, therefore,

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

Section 1. That Section 2 of Ordinance No. 1706-12 passed November 26, 2012 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$52,000 and shall be paid from Fund No. 10 SF 177.

Section 2. That Section 2 of Ordinance No. 1706-12 passed November 26, 2012 is hereby repealed.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1734-12.
By Council Members Brancatelli, Cimperman and Cleveland.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Broadway School of Music and Arts for the Fine Arts Program through the use of Ward(s) 12, 3 and 5 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement with the Broadway School of Music and Arts for the Fine Arts Program for providing music education to low and moderate income students residing in the city of Cleveland through the use of Ward(s) 12, 3, and 5 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$37,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he

deems necessary to protect the City's interest.

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

Passed December 3, 2012.
Effective December 6, 2012.

Ord. No. 1741-12.
By Council Member Conwell.
An emergency ordinance consenting and approving the issuance of a permit for the 2013 Hudson Relays, on April 27, 2013, sponsored by Case Western Reserve University.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2013 Hudson Relays sponsored by Case Western Reserve, on April 27, 2013, starting at "The Rock;" next to Fribley, near the bottom of the elephant steps; in front of Carlton Commons, top of stairs; top of Edgehill at Overlook; in front of the Greenhouse Restaurant; corner of Euclid and Adelbert (runner must pass baton after crossing Euclid, in front of Severance Hall); in front of the Peter B. Lewis building, corner of Bellflower and Ford; just past the driveway of the tiny lot at the southeastern edge of the Northside Residential Village on Juniper Road; in front of Pierce house in the Northside Residential Village; in front of Clark Hall on the Mather Quad; back at "The Rock;" President's Last Lap Only; the last runner (President) receives the baton at the rock by Adelbert hall and runs into the Quad up the Wickenden side and around the back to the rock down the Strosacker side; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the

event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

Passed December 3, 2012.
Effective December 6, 2012.

COUNCIL COMMITTEE

MEETINGS

NO MEETINGS

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O—Ordinance; R—Resolution; F—File
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| Utilities Department — contracts — Material Handling, Cranes, Rigging, Heavy Equipment (O 1630-12) | 1994 |

Cleveland State University

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| Business and Management Training and Development, Employee Performance and Professional Development Program — Renew Contract No. CT 3001 — PS2011-59 (O 1632-12) | 1995 |
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Codified Ordinances

| | |
|---|------|
| Amend Section 213.01, Repeal Section(s) 213.02 and 213.03 — Public Swimming Pools, Public Spas and Special Use Pools (O 1234-12) | 1982 |
| Amend Sections 135.42 and 405.06 — Contracts for Towing, Storage and Disposal of Impounded Motor Vehicles — Impounding And Towing Fees (O 1543-12) | 1989 |
| Amend Sections 227.03, 227.04, 227.05, 227.33, 227.34 and 227.35 — Day Care Center Fees — Applications, Inspections and Contagious Disease Notification — Health Department (O 1642-12) | 1997 |
| Enacting new Section 139.21 — Gifts of Art, Cash, Sponsorships, and other Donations to enhance the physical appearance at Cleveland Airport System (O 1638-12) | 1996 |

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| Public Works — Amend Section 559.02 — Cleveland Cultural Gardens Boundary — Enact New Sect(s) 559.244 and 559.245 (O 1327-12) | 1983 |
| Public Works — Amend Sections 559.14 and 559.15 — Croatian and The Hebrew Cultural Gardens (O 1533-12) | 1988 |

Community Development

| | |
|---|------|
| Amend Section 2 of Ord. No. 1706-12 — Senior Landscaping and Snow Removal Program — Buckeye Area Development Corp. (Ward(s) 04, 06 NCF) (O 1733-12) | 2020 |
| Amend Title & Section 1 of Ord. No. 958-11 — Energy \$Avers Pilot Program (O 1647-12) | 1999 |
| Contract — The Finch Group, Inc., — Upper Chester Development Project (Ward 07) (O 1697-12) | 2003 |
| Fine Arts Program — agreement — Broadway School of Music And Arts (Ward(s) 12, 03, 05 NEF) (O 1734-12) | 2020 |
| Grant Writing — Lead Hazard Reduction Demonstration, Lead Hazard Control, Health Home Grant (O 1646-12) | 1998 |
| Home Weatherization Assistance Program, 2013 — grants — Contracts with various entities — Ohio Development Services Agency (O 1591-12) | 1992 |
| Homeless Assistance Activities — Various non-profit agencies (O 1645-12) | 1998 |
| Safety & Community Development — agreements — CMSD & CMHA to Swap Properties — Charles Dickens & Anton Grdina Elementary Schools (O 1704-12) | 2006 |

Community Relations Board

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| Juvenile Accountability Block Grant Program, 2012 — Grant — Cuyahoga County (O 1702-12) | 2006 |
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Contracts

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|---|------|
| Amend Section 9 of Ord. No. 710-12 — Design and Construction — Burke Lakefront Airport Runway 6L-24R Safety Area (O 1693-12) | 2003 |
| Amend Title & Section 1 of Ord. No. 958-11 — Energy \$Avers Pilot Program (O 1647-12) | 1999 |
| Aviation Lobbying Services — Federal Government — LHD & Associates, Inc. — Port Control (O 1714-12) | 2009 |
| Business and Management Training and Development, Employee Performance and Professional Development Program — Renew Contract No. CT 3001 — PS2011-59 — CSU (O 1632-12) | 1995 |
| Capital Projects — public important — professional services — right-of-way agreement with Private Utility Companies & RTA — Resurfacing East 9th St. (O 1363-12) | 1985 |
| Capital Projects — public improvement — professional services — right-of-way agreements with Private Utility Companies & RTA — East 79th St. Bridge (O 1325-12) | 1982 |
| Cleveland Work Crew Program — Place Criminal Defendants in Community Service — Court Community Service — Finance Department (O 1698-12) | 2004 |
| Community Development — The Finch Group, Inc., — Upper Chester Development Project (Ward 07) (O 1697-12) | 2003 |
| Discount Repayment Contract No. 46868 with Lakeside Ave., 425 and Contract No. 48736 with JF West St. Clair — Hoyt Block II Project (Ward 03) (O 1700-12) | 2004 |
| Economic Development — Assumption of UDAG Contract No. 49231 from JF West St. Clair and Nautica Peninsula by Jacobs Investments Inc. (O 1699-12) | 2004 |
| Ed — Amend Contract No. 67924 & Promissory Note — Detroit Shoreway CD — Historical Renovation of the Capitol Theatre (Ward 15) (O 1723-12) | 2009 |
| Exercise first option to renew Contract No. CT 3001-PS2011-32 with Mindleaders Inc., A Delaware Corporation — Provide E-Learning Training and Development Activities And Program (O 1636-12) | 1995 |
| Exercise first option to renew Contract No. NF2010-016 with AEROMAG 2000 Cle, LLC — Usage of Certain Airport-Owned Space at CHIA (O 1584-12) | 1990 |
| Exercise option to renew Contract No. 67376 with Standard Parking Corp. — Manage outbound taxicabs at CHIA (O 1455-12) | 1987 |
| Homeless Assistance Activities — various non-profit agencies — Community Development Department (O 1645-12) | 1998 |
| Lean Six Sigma General Training and Development; Support Employee Performance and Professional Development — Renew Contract No. CT. 3001-PS2011-129 with The Institute for Organization Excellence LLC. (O 1633-12) | 1995 |
| Lobbying Services — Federal — Crowell & Moring LLP — Finance (O 1715-12) | 2009 |
| Port Control — Professional Consultants — Web-Based Power Monitoring and Communication System (O 1583-12) | 1990 |
| Professional Technical and General Training and Development Activities and Programs in Support of Employee Performance and Development — Renew Contract No. CT 3001 — PS 2011-68 with CCC (O 1635-12) | 1995 |
| Public improvement of cleaning, Cement Mortar and structural lining, and replacing various distribution Water Mains In 2013 (O 1691-12) | 2002 |
| Public Works — Subsidiary Agreement with Nerone & Sons, Inc. — Contract No. CT 7003 PI 2012-006 — For Miles Pointe Crossing Parking Lot (O 1587-12) | 1991 |
| Repairing Sidewalks, Driveway Aprons, and Curbing, Restoring Grass Tree Lawns and Adjusting Castings — W. 105 St., W 106 St., W 114 St., & E. 151 St. (O 1688-12) | 2000 |
| Utilities Department — New Restricted Transmission Water Main for Orange Village (O 1692-12) | 2002 |
| Utilities Department — Material Handling, Cranes, Rigging, Heavy Equipment (O 1630-12) | 1994 |
| Utilities Department — Professional Consultants — General Information Technology Services (O 1631-12) | 1994 |

Cuyahoga Community College

Professional Technical and General Training and Development Activities and Programs in Support of Employee Performance and Development — Renew Contract No. CT 3001 — PS 2011-68 (O 1635-12) **1995**

Cuyahoga County

Juvenile Accountability Block Grant Program, 2012 — Grant — Community Relations Board (O 1702-12) **2006**
 Public Works — Sell Easement at Highland Park Cemetery (O 1588-12) **1991**
 Solid Waste Disposal Program, 2013 — Grant — Cuyahoga County Solid Waste District — Health Department (O 1589-12) **1992**

Debt Service Funds

Enterprise Funds (\$ 665,000) — Debt Service Funds (\$ 625,000) — Appropriations (O 1730-12) **2013**

Detroit-Shoreway Community Development Corporation

Ed — Amend Contract No. 67924 & Promissory Note — Historical Renovation of The Capitol Theatre (Ward 15) (O 1723-12)..... **2009**

Easements

Harvard Avenue Bridge Project (O 1629-12) **1993**
 Public Works — Highland Park Cemetery to Cuyahoga County (O 1588-12) **1991**
 Public Works — NEORSD accept from Flats East Development (O 1406-12) **1986**
 Repeal Ord. No. 1550-11 — For Ingress / Egress onto East 105th St. — Ronald McDonald House of Cleveland, Inc. (Ward 07) (O 1535-12) **1988**

Economic Development Department

Assumption of UDAG Contract No. 49231 from JF West St. Clair and Nautica Peninsula by Jacobs Investments Inc. (O 1699-12) **2004**
 Building Signage Improvement Project — agreement — Great Lakes Integrated (Ward 14 NCF) (O 1732-12) **2020**
 Discount Repayment Contract No. 46868 with Lakeside Ave., 425 and Contract No. 48736 with JF West St. Clair — Hoyt Block II Project (Ward 03) (O 1700-12) **2004**
 Tax Incentive Review Council — Approve 2011 Recommendations (O 1593-12)..... **1993**

Encroachments

Kinsman Rd., Abell Ave., and East 139th St. — right-of-way — Christmas Wreaths — East 139th Street Block Club — Capital Projects — CPP (Ward 04) (O 1722-12)..... **2009**

Enterprise Funds

Enterprise Funds (\$ 665,000) — Debt Service Funds (\$ 625,000) — Appropriations (O 1730-12) **2013**
 Fund Transfer — (\$3,362,000) General Fund — (\$2,800,000) Enterprise Fund (O 1729-12)..... **2011**

Fees

Amend Section 213.01, Repeal Section (s) 213.02 and 213.03 — Public Swimming Pools, Public Spas and Special Use Pools (O 1234-12) **1982**
 Amend Sections 135.42 and 405.06 — Contracts for Towing, Storage and Disposal of Impounded Motor Vehicles — Impounding and Towing Fees (O 1543-12) **1989**
 Amend Sections 227.03, 227.04, 227.05, 227.33, 227.34 and 227.35 — Day Care Center Fees — Applications, Inspections and Contagious Disease Notification — Health Department (O 1642-12) **1997**

Finance Department

Appropriations — Year 2013 — current expenses and other expenses (O 1731-12)..... **2014**
 Cleveland Work Crew Program — Place Criminal Defendants in Community Service — Court Community Service (O 1698-12) **2004**
 Enterprise Funds (\$ 665,000) — Debt Service Funds (\$ 625,000) — Appropriations (O 1730-12) **2013**
 Fund Transfer — (\$3,362,000) General Fund — (\$2,800,000) Enterprise Fund (O 1729-12)..... **2011**
 Lobbying Services — Federal — Crowell & Moring LLP (O 1715-12) **2009**
 Moral Claims — Authorize Payment (O 1725-12) **2010**
 Salary and Wage Schedules — Section 38 — Amend Ord. 1689-11, as amended — Human Resources Department (O 1724-12) **2010**
 Salary and Wage Schedules — Sections 33 and 56 — Amend Ord. 1689-11, as amend — Human Resources Department (O 1701-12) **2005**

Flats District

Public Works — Grant easement to NEORS accept from Flats East Development (O 1406-12) 1986

General Fund

Fund Transfer — (\$3,362,000) General Fund — (\$2,800,000) Enterprise Fund (O 1729-12)..... 2011

Gifts

Enacting new Section 139.21 — Gifts of Art, Cash, Sponsorships, and Other Donations to enhance the physical appearance at Cleveland Airport System (O 1638-12)..... 1996

Grants

CD — Grant Writing — Lead Hazard Reduction Demonstration, Lead Hazard Control, Health Home Grant (O 1646-12)..... 1998
 Home Weatherization Assistance Program, 2013 — Contracts with various entities — Community Development Department — Ohio Development Services Agency (O 1591-12)..... 1992
 Juvenile Accountability Block Grant Program, 2012 — Community Relations Board — Cuyahoga County (O 1702-12) 2006
 Making Greater Cleveland Lead Safe And Healthy Program, 2013 — St. Luke's Foundation - Health Department (O 1640-12) 1996
 Solid Waste Disposal Program, 2013 — Cuyahoga County Solid Waste District — Health Department (O 1589-12) 1992
 STD Control Prevention Program, 2013 — Health Department — Ohio Department of Health (O 1641-12) 1996
 Summer Food Service Program, 2013 — Contract with various non-profit organizations — Camp George L. Forbes — Ohio Department of Education — Public Works — Recreation Division (O 1585-12) 1990

Health Department

Amend Section 213.01, Repeal Section(s) 213.02 and 213.03 — Public Swimming Pools, Public Spas and Special Use Pools (O 1234-12) 1982
 Amend Sections 227.03, 227.04, 227.05, 227.33, 227.34 and 227.35 — Day Care Center Fees — Applications, Inspections and Contagious Disease Notification (O 1642-12) 1997
 CD — Grant Writing — Lead Hazard Reduction Demonstration, Lead Hazard Control, Health Home Grant (O 1646-12)..... 1998
 Making Greater Cleveland Lead Safe and Healthy Program, 2013 — Grant — St. Luke's Foundation (O 1640-12) 1996
 Sell city-owned property no longer needed for public use — Miles Ave., 9127 to Northeast Ohio Neighborhood Health Services, Inc. ("Neon") (Ward 02) (O 1335-12) 1984
 Solid Waste Disposal Program, 2013 — Grant — Cuyahoga County Solid Waste District (O 1589-12) 1992
 STD Control Prevention Program, 2013 — Grant — Ohio Department of Health (O 1641-12)..... 1996

Home Weatherization Program

Home Weatherization Assistance Program, 2013 — Grants — contracts with various entities — Community Development Department — Ohio Development Services Agency (O 1591-12) 1992

Homeless

Homeless Assistance Activities — various non-profit agencies — Community Development Department (O 1645-12) 1998

Human Resources Department

Salary and Wage Schedules — Section 38 — Amend Ord. 1689-11, as amended — Finance Department (O 1724-12) 2010
 Salary and Wage Schedules — Sections 33 and 56 — Amend Ord. 1689-11, as amend — Finance Department (O 1701-12) 2005

Land Reutilization Program

Community Development — contract — The Finch Group, Inc., — Upper Chester Development Project (Ward 07) (O 1697-12) 2003
 Safety & Community Development — agreements — CMSD & CMHA to Swap Properties — Charles Dickens & Anton Grdina Elementary Schools (O 1704-12)..... 2006

Leases

Exercise first option to renew Contract No. NF2010-016 with AEROMAG 2000 Cle, LLC — Usage of Certain Airport-Owned Space at CHIA (O 1584-12) 1990

Licenses

| | |
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| Amend Section 213.01, Repeal Section(s) 213.02 and 213.03 — Public Swimming Pools, Public Spas and Special Use Pools (O 1234-12) | 1982 |
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Liquor Permits

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| East 131st St., 4231 — objection to issuance (Ward 01) (R 1740-12) | 1981 |
| East 152nd St., 657 — withdraw objection to renewal — repeal Res. 1091-12 (Ward 11) (R 1739-12) | 1981 |
| Freeman Ave., 2102 — withdraw objection to renewal — repeal Res. 1185-12 (Ward 03) (R 1735-12) | 1980 |
| Old River Rd., 1295 — withdraw objection to renewal — repeal Res. 1121-12 (Ward 03) (R 1736-12) | 1980 |
| Professor St., 2221 (1st Fl. & Rear Patio) — withdraw objection to transfer of ownership — repeal Res. 1220-12 (Ward 03) (R 1737-12) | 1981 |
| St. Clair Ave., 6201 (1st Fl.) — objection to stock transfer (Ward 07) (R 1738-12) | 1981 |

Loans

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|---|------|
| Discount Repayment Contract No. 46868 with Lakeside Ave., 425 and Contract No. 48736 with JF West St. Clair — Hoyt Block II Project (Ward 03) (O 1700-12) | 2004 |
| Economic Development — Assumption of UDAG Contract No. 49231 from JF West St. Clair and Nautica Peninsula by Jacobs Investments Inc. (O 1699-12) | 2004 |
| ED — Amend Contract No. 67924 & Promissory Note — Detroit Shoreway CD — Historical renovation of the Capitol Theatre (Ward 15) (O 1723-12) | 2009 |

Moral Claims

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| Authorize Payment — Finance Department (O 1725-12) | 2010 |
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Neighborhood Equity Funds

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| Fine Arts Program — agreement — Broadway School of Music and Arts — Community Development (Ward(s) 12, 03, 05 NEF) (O 1734-12) | 2020 |
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Northeast Ohio Regional Sewer District

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| Public Works — Grant easement to NEORS D accept from Flats East Development (O 1406-12) | 1986 |
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Ohio Department of Education

| | |
|---|------|
| Summer Food Service Program, 2013 — Grant — contract with various non-profit organizations — Camp George L. Forbes — Public Works — Recreation Division (O 1585-12) | 1990 |
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Ohio Department of Public Health

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| STD Control Prevention Program, 2013 — Grant — Health Department (O 1641-12) | 1996 |
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Ohio Department of Transportation (ODOT)

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| Capital Projects — Consent agreement for Innerbelt — Non-Financial (O 1686-12) | 1999 |
| Capital Projects — Preliminary consent and cause payment — Resurfacing of Triskett Rd. & Warren Rd. (Ward(s) 17, 18, 19) (O 1703-12) | 2006 |
| Capital Projects — Preliminary consent and cause payment — Constructing a North Coast Harbor Pedestrian Bridge (O 1690-12) | 2001 |
| Capital Projects — Preliminary consent and cause payment for rehab. of Waterloo Rd. (Ward 11) (O 1687-12) | 2000 |
| Capital Projects — Preliminary consent and cause payment for rehab. of Larchmere Blvd. (O 1689-12) | 2001 |

Permits

| | |
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| Hudson Relays, 2013 — April 27th — Case Western Reserve University (O 1741-12) | 2020 |
| Kinsman Rd., Abell Ave., and East 139th St. — encroach into right-of-way — Christmas Wreaths — East 139th Street Block Club — Capital Projects — CPP (Ward 04) (O 1722-12) | 2009 |

Port Control Department

| | |
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| Amend Section 9 of Ord. No. 710-12 — Design and Construction — Burke Lakefront Airport Runway 6L-24R Safety Area (O 1693-12) | 2003 |
| Aviation Lobbying Services — Federal Government — LHD & Associates, Inc. (O 1714-12) | 2009 |
| Business and Management Training and Development, Employee Performance and Professional Development Program — Renew Contract No. CT 3001 — PS2011-59 — CSU (O 1632-12) | 1995 |
| Contracts — Professional Consultants — Web-Based Power Monitoring and Communication System (O 1583-12) | 1990 |

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| Enacting New Section 139.21 — Gifts of Art, Cash, Sponsorships, and other donations to enhance the physical appearance at Cleveland Airport System (O 1638-12) | 1996 |
| Exercise first option to Renew Contract No. CT 3001-PS2011-32 with Mindleaders Inc., A Delaware Corporation — Provide E-Learning Training and Development Activities and program (O 1636-12) | 1995 |
| Exercise first option to Renew Contract No. NF2010-016 with AEROMAG 2000 Cle, LLC — Usage of Certain Airport-Owned Space at CHIA (O 1584-12) | 1990 |
| Exercise option to renew Contract No. 67376 with Standard Parking Corp. — Manage outbound Taxicabs at CHIA (O 1455-12) | 1987 |
| Lean Six Sigma, General Training and Development; Support Employee Performance and Professional Development — Renew Contract No. CT. 3001-PS2011-129 with The Institute for Organization Excellence LLC. (O 1633-12) | 1995 |
| Professional Technical and General Training and Development Activities and Programs in Support of Employee Performance and Development — Renew Contract No. CT 3001 — PS 2011-68 with CCC (O 1635-12) | 1995 |

Professional Services

| | |
|--|------|
| Aviation Lobbying Services — Federal Government — LHD & Associates, Inc. — Port Control (O 1714-12) | 2009 |
| Capital Projects — public improvement contracts — right-of-way agreements with Private Utility Companies & RTA — East 79th St. Bridge (O 1325-12) | 1982 |
| Exercise first option to renew Contract No. CT 3001-PS2011-32 with Mindleaders Inc., A Delaware Corporation — Provide E-Learning Training and Development Activities and program (O 1636-12) | 1995 |
| Lean Six Sigma, General Training and Development; Support Employee Performance and Professional Development — Renew Contract No. CT. 3001-PS2011-129 with The Institute for Organization Excellence LLC. (O 1633-12) | 1995 |
| Lobbying Services — Federal — Crowell & Moring LLP — Finance (O 1715-12) | 2009 |
| Port Control — Contracts — Professional Consultants — Web-Based Power Monitoring and Communication System (O 1583-12) | 1990 |
| Professional Technical and General Training and Development Activities and Programs in Support of Employee Performance and Development — Renew Contract No. CT 3001 — PS 2011-68 with CCC (O 1635-12) | 1995 |
| Utilities Department — Professional Consultants — General Information Technology Services (O 1631-12) | 1994 |

Public Improvements

| | |
|---|------|
| Amend Section 9 of Ord. No. 710-12 — Design and Construction — Burke Lakefront Airport Runway 6L-24R Safety Area (O 1693-12) | 2003 |
| Capital Projects — Consent agreement for Innerbelt — Non — Financial (O 1686-12) | 1999 |
| Capital Projects — contract — professional services — right-of-way — agreement with Private Utility Companies & RTA — Resurfacing East 9th St. (O 1363-12) | 1985 |
| Capital Projects — contracts — professional services — right-of-way — agreements with Private Utility Companies & RTA — East 79th St. Bridge (O 1325-12) | 1982 |
| Capital Projects — Preliminary consent and cause payment — Resurfacing of Triskett Rd. & Warren Rd. (Ward(s) 17, 18, 19) (O 1703-12) | 2006 |
| Capital Projects — Preliminary consent and cause payment — Constructing a North Coast Harbor Pedestrian Bridge (O 1690-12) | 2001 |
| Capital Projects — Preliminary consent and cause payment for rehab. of Waterloo Rd. (Ward 11) (O 1687-12) | 2000 |
| Capital Projects — Preliminary consent and cause payment for rehab. of Larchmere Blvd. (O 1689-12) | 2001 |
| Cleaning, Cement Mortar and Structural Lining, and replacing various distribution Water Mains In 2013 (O 1691-12) | 2002 |
| Community Development — contract — The Finch Group, Inc., — Upper Chester Development Project (Ward 07) (O 1697-12) | 2003 |
| Public Works — Subsidiary Agreement with Nerone & Sons, Inc. — Contract No. CT 7003 PI 2012-006 — For Miles Pointe Crossing Parking Lot (O 1587-12) | 1991 |
| Repairing Sidewalks, Driveway Aprons, and Curbing, Restoring Grass Tree Lawns and Adjusting Castings — W. 105 St., W 106 St., W 114 St., & E. 151 St. (O 1688-12) | 2000 |
| Utilities Department — New Restricted Transmission Water Main for Orange Village (O 1692-12) | 2002 |

Public Works

| | |
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| Amend Section 559.02 — Cleveland Cultural Gardens Boundary — Enact New Sect(s) 559.244 and 559.245 (O 1327-12) | 1983 |
| Amend Sections 559.14 and 559.15 — Croatian and The Hebrew Cultural Gardens (O 1533-12) | 1988 |
| Grant easement to NEORS D accept from Flats East Development (O 1406-12) | 1986 |
| Property Adoption Agreement — The Putman Sculpture Collection — Rockefeller Park (O 1531-12) | 1987 |
| Sell easement at Highland Park Cemetery to Cuyahoga County (O 1588-12) | 1991 |
| Subsidiary Agreement with Nerone & Sons, Inc. — Contract No. CT 7003 PI 2012-006 — For Miles Pointe Crossing Parking Lot (O 1587-12) | 1991 |
| Summer Food Service Program, 2013 — Grant — contract with various non-profit organizations — Camp George L. Forbes — Ohio Department of Education — Recreation Division (O 1585-12) | 1990 |

Purchases and Supplies Division

Sell City-Owned Property no longer needed for public use — Miles Ave., 9127 to Northeast
Ohio Neighborhood Health Services, Inc. ("Neon") (Ward 02) (O 1335-12) **1984**

Races

Hudson Relays, 2013 — permit — April 27th — Case Western Reserve University (O 1741-12)..... **2020**

Regional Transit Authority (RTA)

Capital Projects — public important contract — professional services — right-of-way —
agreement with Private Utility Companies — Resurfacing East 9th St. (O 1363-12) **1985**
Capital Projects — public improvement contracts — professional services — right-of-way —
agreements with Private Utility Companies — East 79th St. Bridge (O 1325-12)..... **1982**

Right-Of-Way

Capital Projects — public important contract — professional services —
Agreement with Private Utility Companies & RTA — Resurfacing East 9th
St. (O 1363-12) **1985**

Safety Department

Amend Sections 135.42 and 405.06 — Contracts for Towing, Storage and Disposal of Impounded
Motor Vehicles — Impounding and Towing Fees (O 1543-12) **1989**
Community Development — agreements — CMSD & CMHA to Swap Properties — Charles
Dickens & Anton Grdina Elementary Schools (O 1704-12) **2006**
Repeal Ord. No. 1550-11 — Grant easement for Ingress / Egress onto East 105th St. — Ronald
McDonald House of Cleveland, Inc. (Ward 07) (O 1535-12) **1988**

Salaries

Salary and Wage Schedules — Section 38 — Amend Ord. 1689-11, as amended — Finance
Department — Human Resources Department (O 1724-12) **2010**
Salary and Wage Schedules — Sections 33 and 56 — Amend Ord. 1689-11, as amend — Finance
Department — Human Resources Department (O 1701-12) **2005**

State of Ohio

Home Weatherization Assistance Program, 2013 — Grants — contracts with various entities —
Community Development Department — Ohio Development Services Agency (O 1591-12) **1992**

Street Vacation

Amend Res. No. 1068-12 — intention to vacate a portion — West 20th St. & Moore Court (Ward
03) (O 1685-12)..... **1999**
Brookpark Rd. and relocated Grayton Rd. — intention to vacate a portion — Capital Projects —
City Planning Commission (Ward 18) (R 1538-12) **1979**
Franklin Avenue N.W. — intention to vacate a portion — City Planning Commission — Capital
Projects (Ward 03) (R 1408-12) **1979**

Summer Food Program

Summer Food Service Program, 2013 — Grant — contract with various non-profit organizations —
Camp George L. Forbes — Ohio Department of Education — Public Works — Recreation
Division (O 1585-12) **1990**

Taxes

Tax Incentive Review Council — Approve 2011 Recommendations (O 1593-12)..... **1993**

Taxicabs

Exercise option to renew Contract No. 67376 with Standard Parking Corp. — Manage outbound
Taxicabs at CHIA (O 1455-12) **1987**

Towing

Amend Sections 135.42 and 405.06 — Contracts for Towing, Storage and Disposal of Impounded
Motor Vehicles — Impounding and Towing Fees (O 1543-12) **1989**

Utilities Department

Contracts — Material Handling, Cranes, Rigging, Heavy Equipment (O 1630-12) **1994**

| | |
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| New Restricted Transmission Water Main for Orange Village (O 1692-12)..... | 2002 |
| Professional Consultants — General Information Technology Services (O 1631-12)..... | 1994 |
| Public improvement of cleaning, Cement Mortar and Structural Lining, and replacing various Distribution Water Mains In 2013 (O 1691-12)..... | 2002 |

Vehicles

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|---|------|
| Amend Sections 135.42 and 405.06 — Contracts for Towing, Storage and Disposal of Impounded Motor Vehicles — Impounding and Towing Fees (O 1543-12) | 1989 |
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Ward 01

| | |
|---|------|
| East 131st St., 4231 — objection to issuance — liquor permit (R 1740-12)..... | 1981 |
| Repairing Sidewalks, Driveway Aprons, and Curbing, Restoring Grass Tree Lawns and Adjusting Castings — W. 105 St., W 106 St., W 114 St., & E. 151 St. (O 1688-12)..... | 2000 |

Ward 02

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|---|------|
| Repairing Sidewalks, Driveway Aprons, and Curbing, Restoring Grass Tree Lawns and Adjusting Castings — W. 105 St., W 106 St., W 114 St., & E. 151 St. (O 1688-12)..... | 2000 |
| Sell City-Owned Property no longer needed for public use — Miles Ave., 9127 to Northeast Ohio Neighborhood Health Services, Inc. ("Neon") (O 1335-12) | 1984 |

Ward 03

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|---|------|
| Amend Res. No. 1068-12 — intention to vacate a portion — West 20th St. & Moore Court (O 1685-12) | 1999 |
| Capital Projects — Preliminary consent and cause payment — Constructing a North Coast Harbor Pedestrian Bridge (O 1690-12)..... | 2001 |
| Capital Projects — public important contract — professional services — right - of - way — agreement with Private Utility Companies & RTA — Resurfacing East 9th St. (O 1363-12) | 1985 |
| Discount Repayment Contract No. 46868 with Lakeside Ave., 425 and Contract No. 48736 with JF West St. Clair — Hoyt Block II Project (O 1700-12) | 2004 |
| Economic Development — Assumption of UDAG Contract No. 49231 from JF West St. Clair and Nautica Peninsula by Jacobs Investments Inc. (O 1699-12) | 2004 |
| Fine Arts Program — agreement — Broadway School of Music And Arts — Community Development (Ward(s) 12, 03, 05 NEF) (O 1734-12)..... | 2020 |
| Franklin Avenue N.W. — intention to vacate a portion — City Planning Commission — Capital Projects (R 1408-12) | 1979 |
| Freeman Ave., 2102 — withdraw objection to renewal — repeal Res. 1185-12 — liquor permit (R 1735-12) | 1980 |
| Old River Rd., 1295 — withdraw objection to renewal — repeal Res. 1121-12 — liquor permit (R 1736-12) | 1980 |
| Professor St., 2221 (1st Fl. & Rear Patio) — withdraw objection to transfer of ownership — repeal Res. 1220-12 — Liquor Permit (R 1737-12) | 1981 |

Ward 04

| | |
|---|------|
| Amend Section 2 of Ord. No. 1706-12 — Senior Landscaping and Snow Removal Program — Buckeye Area Development Corp. — Community Development (Ward(s) 04, 06 NCF) (O 1733-12) | 2020 |
| Kinsman Rd., Abell Ave., and East 139th St. — encroach into right-of-way — Christmas Wreaths — East 139th Street Block Club — Capital Projects — CPP (O 1722-12) | 2009 |

Ward 05

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| Fine Arts Program — agreement — Broadway School of Music And Arts — Community Development (Ward(s) 12, 03, 05 NEF) (O 1734-12)..... | 2020 |
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Ward 06

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| Amend Section 2 of Ord. No. 1706-12 — Senior Landscaping and Snow Removal Program — Buckeye Area Development Corp. — Community Development (Ward(s) 04, 06 NCF) (O 1733-12) | 2020 |
| Capital Projects — Preliminary consent and cause payment for rehab. of Larchmere Blvd. (O 1689-12) | 2001 |

Ward 07

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| Community Development — contract — The Finch Group, Inc., — Upper Chester Development Project (O 1697-12)..... | 2003 |
| Repeal Ord. No. 1550-11 — Grant easement for Ingress / Egress onto East 105th St. — Ronald McDonald House of Cleveland, Inc. (O 1535-12) | 1988 |
| St. Clair Ave., 6201 (1st Fl.) — objection to stock transfer — liquor permit (R 1738-12) | 1981 |

Ward 08

Public Works — Property Adoption Agreement — The Putman Sculpture Collection —
Rockefeller Park (O 1531-12) **1987**

Ward 09

Hudson Relays, 2013 — permit — April 27th — Case Western Reserve University (O 1741-12)..... **2020**

Ward 11

Capital Projects — Preliminary consent and cause payment for rehab. of Waterloo Rd.
(O 1687-12) **2000**
East 152nd St., 657 — withdraw objection to renewal — repeal Res. 1091-12 — liquor permit
(R 1739-12) **1981**

Ward 12

Fine Arts Program — agreement — Broadway School of Music And Arts — Community
Development (Ward(s) 12, 03, 05 NEF) (O 1734-12) **2020**

Ward 14

Building Signage Improvement Project — agreement — Great Lakes Integrated — Econ Dev.
(Ward 14 NCF) (O 1732-12) **2020**

Ward 15

ED — Amend Contract No. 67924 & Promissory Note — Detroit Shoreway CD — Historical
renovation of the Capitol Theatre (Ward 15) (O 1723-12)..... **2009**

Ward 16

Repairing Sidewalks, Driveway Aprons, and Curbing, Restoring Grass Tree Lawns and
Adjusting Castings — W. 105 St., W 106 St., W 114 St., & E. 151 St. (O 1688-12) **2000**

Ward 17

Capital Projects — Preliminary consent and cause payment — Resurfacing of Triskett Rd.
& Warren Rd. (Ward(s) 17, 18, 19) (O 1703-12) **2006**

Ward 18

Brookpark Rd. and relocated Grayton Rd. — intention to vacate a portion — Capital Projects —
City Planning Commission (R 1538-12) **1979**
Capital Projects — Preliminary consent and cause payment — Resurfacing of Triskett Rd.
& Warren Rd. (Ward(s) 17, 18, 19) (O 1703-12) **2006**

Ward 19

Capital Projects — Preliminary consent and cause payment — Resurfacing of Triskett Rd.
& Warren Rd. (Ward(s) 17, 18, 19) (O 1703-12) **2006**

Water Division

Public improvement of cleaning, Cement Mortar and Structural Lining, and replacing various
distribution Water Mains In 2013 (O 1691-12) **2002**
Utilities Department — New Restricted Transmission Water Main for Orange Village (O 1692-12) **2002**

Water Mains

Public improvement of cleaning, Cement Mortar and structural lining, and replacing various
distribution Water Mains In 2013 (O 1691-12) **2002**
Utilities Department — New Restricted Transmission Water Main for Orange Village (O 1692-12) **2002**