

The City Record

Official Publication of the Council of the City of Cleveland



September the Twenty-Sixth, 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

The City Record is available online at
www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

The City Record



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WEDNESDAY, SEPTEMBER 26, 2012

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CITY COUNCIL

MONDAY, SEPTEMBER 24, 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, J. Johnson, Mitchell.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 24, 2012

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

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

Also present were, Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Natoya J. Walker Minor, Chief of Public Affairs, and Interim Law Director Langhenry, Directors, Wasik, Cox, Rush, Rybka, Southerington, Nichols, Fumich, Ambroz and Teresa Stevenson of Legislative Affairs.

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

MOTION

On the motion of Council Member Sweeney, The Journal of September 12, 2012 (City Record Volume 99, page 23) is hereby corrected to reflect the passage under suspen-

sion of the rules of First Reading Ordinance No. 1240-12, by inserting the following:

Ord. No. 1240-12.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 535.051 relating to testing and monitoring programs and water bill credits.

Whereas, the Department of Public Utilities periodically conducts programs for testing and monitoring of residential and commercial water quality, distribution operations, and other testing and monitoring services determined to be necessary by the Director of Public Utilities; and

Whereas, in order to conduct these testing and monitoring programs, the Department of Public Utilities needs assistance from the customers; and

Whereas, those customers who wish to participate and are accepted into these programs by the Director of Public Utilities will perform tasks such as collecting water samples delivered to their homes or businesses and performing other related tasks which are out of the ordinary for a consumer, for the benefit of the Department of Public Utilities; and

Whereas, in order to encourage participation in these programs, the Department of Public Utilities is offering incentives in the form of water bill credits to eligible participants who complete the services under the programs; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 535.051 to read as follows:

Section 535.051 Testing and Monitoring Programs; Water Bill Credits

(a) The Director of Public Utilities may conduct programs for testing and monitoring of water distributed to residential and commercial premises to be performed by the customers. These programs shall relate to various aspects of the Division of Water and may include distribution operations, water quality, and other testing and monitoring determined to be necessary by the Director of Public Utilities.

(b) The Director of Public Utilities is authorized to provide water bill credits, to be established by the Board of Control, to eligible water customers after successfully complet-

ing monitoring and testing performed under a program offered under division (a) of this section. The total amount of all water bill credits authorized by this division shall not exceed \$10,000 per year.

(c) The Director of Public Utilities shall establish guidelines for program eligibility and for administering the programs under this section. The Director shall have the final approval of all applications.

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.

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

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

and authorizing Ordinance No. 1240-12 to be reprinted correctly in the City Record dated September 26, 2012.

The reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Conwell.

COMMUNICATIONS

File No. 1395-12.

From Office of Equal Opportunity — Compliance Report Chapter 188, August 31, 2012. Bi-Monthly Report. Received.

File No. 1396-12.

From Office of Equal Opportunity — City Resident Utilization Report, August 31, 2012. Bi-Monthly Report. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1367-12—Chester Gordon.

Res. No. 1368-12—Martin Masteron.

Res. No. 1369-12—Arnold Stankus.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1370-12—Timothy F. Hagan.

Res. No. 1371-12—William J. Centa.
Res. No. 1372-12—Dr. Daniel J. Keenan, Jr.

Res. No. 1373-12—George J. Palko.

Res. No. 1374-12—Larry H. James.

Res. No. 1375-12—Dr. Ruth D. Peterson.

Res. No. 1376-12—Thomas E. Hopkins.

Res. No. 1377-12—Erin D. Huber.

Res. No. 1378-12—Sheila M. Niles.

Res. No. 1379-12—Michael Hewett, Commissioner, Division of Printing & Reproduction.

Res. No. 1380-12—Scott Loomis.

Res. No. 1381-12—Lisa Hart.

Res. No. 1382-12—Richard Marcus.

Res. No. 1383-12—Ronald Manek.

Res. No. 1384-12—Fabulous Food Show.

Res. No. 1385-12—Rev. Emanuel D. Debose.

Res. No. 1386-12—Clementine L. Jackson.

Res. No. 1387-12—Lellar Tignar.

Res. No. 1388-12—St. Francis School (125th Anniversary).

Res. No. 1389-12—Glenville New Life Community Church, P.C.U.S.A. (50th Anniversary)

RECOGNITION RESOLUTIONS

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

Res. No. 1390-12—George Cody, Ph.D.

Res. No. 1391-12—Fady Chamoun, CEO.

COMMENDATION RESOLUTIONS

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

Res. No. 1392-12—Brittani James.

Res. No. 1393-12—Danae Rock.

WELCOME RESOLUTION

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

Res. No. 1394-12—The Honorable Boutros Harb, Member, Lebanese Parliament.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1362-12.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property from Steelyard Commons LLC and the State of Ohio at Quigley Road and Steelyard Commons Drive to finalize right-of-way dedications at Steelyard Commons; authorizing the Director of Capital Projects to execute a deed of easement granting to Steelyard Commons LLC certain easement rights in property located in Quigley Road and Steelyard Commons Drive, and declaring that the easement rights granted are not needed for the City's public use; and authorizing agreements for other land donations among parties that are necessary to finalize right-of-way dedications at Steelyard Commons.

Whereas, the Director of Capital Projects has requested the acquisition of property, at no cost to the City, which is located at Quigley Road and Steelyard Commons Drive from Steelyard Commons LLC and the State of Ohio to finalize right-of-way dedications at Steelyard Commons; and

Whereas, Steelyard Commons LLC has requested the Director of Capital Projects to convey certain easement rights in property located in Quigley Road and Steelyard Commons Drive; and

Whereas, Steelyard Commons LLC requires an easement to install signage, and for electrical and maintenance activities at Quigley Road and Steelyard Commons Drive; 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 Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire, at no cost to the City, the following described property from Steelyard Commons LLC and the State of Ohio at Quigley Road and Steelyard Commons Drive to finalize right-of-way dedications at Steelyard Commons:

Parcel 1-WDV

Situated in the State of Ohio, City of Cleveland, County of Cuyahoga, Brooklyn Township, T7N, R13W, Lots 72 and 85 and being more fully described as follows:

Being a parcel of land lying on the left and right sides of the proposed centerline of right of way of CUY-QUIGLEY ROAD CONNECTOR as surveyed by URS Corporation and recorded as Image No. _____ of the Cuyahoga County Records and being located within the following described points on the boundary thereof;

Beginning for record at the southeast corner of Sublot 15 in the Nicola & Judson Allotment as recorded in Volume 5, Page 7 of the Cuyahoga County Records, said point being 61.83 feet left of Station 18 + 07.38 on the proposed centerline of right of way of Quigley Road Connector and the TRUE POINT OF BEGINNING of the parcel described herein;

Thence North 01 degrees 51 minutes 47 seconds West, 92.57 feet along the east line of said Sublot 15 to iron pin to be set;

Thence North 52 degrees 50 minutes 39 seconds East, 26.74 feet to an iron pin to be set;

Thence North 37 degrees 47 minutes 01 seconds East, 61.38 feet to an iron pin to be set;

Thence North 02 degrees 53 minutes 26 seconds West, 55.15 feet to an iron pin to be set on the south line of an unrecorded allotment;

Thence North 88 degrees 10 minutes 12 seconds East, 801.45 feet along the south line of an unrecorded allotment to iron pin found;

Thence South 44 degrees 16 minutes 13 seconds West, 231.85 feet along Grantor's southeast property line to a point on the Grantor's easterly line;

Thence South 30 degrees 11 minutes 53 seconds West, 100.47 feet along the Grantor's easterly property line, to an iron pin to be set on the proposed south right of way line of the Quigley Road Connector;

Thence South 69 degrees 37 minutes 09 seconds West, 697.21 feet along the proposed south right of way line of the Quigley Road Connector to an iron pin to be set;

Thence South 81 degrees 25 minutes 25 seconds West, 335.14 feet along the proposed south right of way line of the Quigley Road Connector to an iron pin to be set;

Thence South 45 degrees 54 minutes 20 seconds West, 55.95 feet along the proposed south right of way line of the Quigley Road Connector to an iron pin to be set;

Thence South 86 degrees 22 minutes 47 seconds West, 205.98 feet along the

proposed south right of way line of the Quigley Road Connector to an iron pin to be set.

Thence North 16 degrees 55 minutes 39 seconds East, 114.48 feet along Grantor's west property line to an iron pin to be set;

Thence North 25 degrees 21 minutes 38 seconds West, 66.90 feet along Grantor's west property line to an iron pin to be set;

Thence North 67 degrees 02 minutes 55 seconds West, 106.52 feet along Grantor's west property line to an iron pin to be set;

Thence North 88 degrees 03 minutes 33 seconds East, 301.58 feet along Grantor's north property line to an iron pin to be set;

Thence North 01 degrees 56 minutes 31 seconds West, 110.11 feet along Grantor's west property line to an iron pin to be set on the south line of a one foot reserved strip acquired by the State of Ohio per AFN 200411100762 in the records of Cuyahoga County and the Grantor's northerly property line;

Thence North 88 degrees 03 minutes 33 seconds East, 307.65 feet along the south line of said one foot reserved strip and the Grantor's northerly property line to an iron pin to be set;

Thence North 88 degrees 08 minutes 13 seconds East, 77.70 feet along the south line of said one foot reserved strip and the Grantor's property line to an iron pin to be set;

Thence North 01 degrees 51 minutes 47 seconds West, 15.00 feet along Grantor's property line to the TRUE POINT OF BEGINNING containing 8.965 acres (390,536 sq. ft.) more or less, 5.625 acres being contained within Lot 85 and 3.340 acres being contained within Lot 72.

The above described area is contained within Cuyahoga County Auditor's Permanent Parcel No. 008-36-003.

Based on a field survey conducted by URS Corporation in November 2004 under the direction and supervision of Mark Lukosavich, Registered Surveyor No. 8088 in the State of Ohio.

Bearings used herein are based on Grid North of the State Plane Coordinate system NAD83(Cors96) Ohio North Zone.

All iron pins referenced herein are 3/4 inch diameter x 30 inch long iron bars with a 2-1/2 inch aluminum cap stamped "URS CORP., P.S. 8088", to be set after construction.

This description was prepared and reviewed on January 4, 2006 for URS Corporation by Kurt Massar, Registered Surveyor No. 7667 in the State of Ohio.

Part of Parcel 500-WL

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of Original Brooklyn Township Lot No. 72 and bounded and described as follows:

Beginning in the Easterly line of West 14th Street, 100 feet wide, at the Southwesterly corner of Sublot No. 4 in the J.M. Curtiss Resubdivision recorded by plat in Volume 14 of Maps, Page 20 of Cuyahoga County Records; thence Southerly along the Easterly line of West 14th Street, 15 feet to a point; thence Easterly on a line parallel with the Southerly line of said J.M. Curtiss Resubdivision and along the Southerly line of the Nicola and Judson Subdivision of part of said Original Lot No. 72 recorded in plat in Volume 5 of Maps, page 7 of

Cuyahoga County Records, to the Southerly Prolongation of the Easterly line of Sublot No. 15 in said Nicola and Judson Subdivision; thence Northerly along said Southerly prolongation of said Easterly line Sublot 15, one foot; thence westerly on a line parallel with the Southerly lines of the aforementioned Nicola and Judson Subdivision and the J.M. Curtiss Resubdivision to a point which is distant one foot Easterly from the Easterly line of West 14th Street; thence Northerly on a line parallel with Easterly line of West 14th Street, 14 feet to the Southerly line of said Sublot No. 4 in the J.M. Curtiss Resubdivision; thence westerly along the Southerly line of said Sublot No. 4 one foot to the place of beginning, and being known as the one foot reserved strip shown in the plat of Nicola and Judson Subdivision of part of Original Brooklyn Township Lot No. 72 recorded in Volume 5 of Maps, Page 7 of Cuyahoga County Records be the same more or less but subject to all legal highways.

The above described area is contained within Auditor's Parcel Number 008-13-017.

The intent of the above description is to acquire all rights the State of Ohio, Department of Transportation, has or should have had to "Parcel No. 2" per Instrument # 200411100762 of the Cuyahoga County Recorder records.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 4 in J.M. Curtiss Re-allotment and part of Original Brooklyn Township Lot No. 72, as shown by the recorded plat of said re-allotment in Volume 14 of Maps, page 20 of Cuyahoga County Records.

The above described area is contained within Auditor's Parcel Number 008-13-016.

The intent of the above description is to acquire all rights the State of Ohio, Department of Transportation, has or should have had to "Parcel No. 3" per Instrument # 200411100762 of the Cuyahoga County Recorder records.

Parcel No. 3

Situated in the County of Cuyahoga and State of Ohio and the City of Cleveland and known as being part of sublots 24 and 25 in Nicola and Judson Allotment, recorded in Volume 5, Page 7 of Cuyahoga County Record of Maps and further described as having a frontage of 100.04 feet along a 14 foot Alley and being 73.09 feet along its Easterly line and 72.45 feet along its Westerly line.

The above described area is contained within Auditor's Parcel Number 008-13-020.

The intent of the above description is to acquire all rights the State of Ohio, Department of Transportation, has or should have had to "Parcel No. 4" per Instrument # 200411100762 of the Cuyahoga County Recorder records.

Part of a vacated unnamed alley

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, known as being part Original Lot No. 72 of Brooklyn Township, being part of an unnamed alley as shown on the Nicola and Judson Allotment as recorded in Plat Volume 5, Page 7 of the Cuyahoga County

Recorder records, and further described as follows:

Being the southerly 7 feet of a portion of a vacated 14 foot unnamed alley as vacated per City of Cleveland Ordinance No. 14-06 as passed by the Council of the City of Cleveland the 9th day of January, 2006.

Being a strip of land approximately 251 feet long and 7 feet wide and containing about 1756 square feet of land, more or less, subject to survey.

The above described area is not part of any current Cuyahoga County Auditor parcel number at this time.

The intent of the above described parcel is to transfer any and all rights the State of Ohio, Department of Transportation, has or may have had in the vacated southerly half of the portion of the unnamed vacated alley described above.

New PPN: 008-13-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Consolidated Parcel "CC" in the Lot Split and Consolidation Plat of part of Original Brooklyn Township Lot No. 72 as shown by the recorded plat in Volume 353 of Maps, Page 50 of Cuyahoga County Records, as appears by said plat.

Section 2. That the Director of Capital Projects is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and record the property 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 3. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for the City's public use:

LEGAL DESCRIPTION OF A 6,102 SQUARE FOOT (0.1401 ACRE) SIGN EASEMENT

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Original Brooklyn Township Lot Number 85, and also known as being a part of the State of Ohio Department of Transportation, Permanent Parcel Number 008-37-003, as recorded in by AFN 200603080158 of Cuyahoga County Deed Records, and further known as being a part of Parcel 4A of a Lot Split as recorded in Volume 344 of Maps, page 96 of Cuyahoga County Records.

Beginning at a 3/4 inch iron pin with aluminum cap, "#7394 Ciuni", at the southeasterly corner of said State of Ohio Department of Transportation, Parcel 4A of a Lot Split, at its intersection with the westerly line of land now or formerly owned by the Cleveland Electric Illuminating Company, Permanent Parcel Number 008-37-002, as recorded in Volume 8855, page 260 of Cuyahoga County Deed Records, and the northeasterly corner of land now or formerly owned by Steelyard Commons LLC, an Ohio limited liability company, Permanent Parcel Number 008-36-003, and further known as being Parcel 5A of a Lot Split, as recorded in Volume 347 of Maps, page 95 of Cuyahoga County Records;

Thence South 70°07'09" West along the northerly line of said Steelyard Commons LLC, Parcel 5A of a Lot Split, and the southerly line of said State of Ohio Department of Transportation, Parcel 4A of a Lot Split, a distance of 175.48 feet to a point therein, and the Principal Place of Beginning of the land intended to be described herein;

Thence South 70°07'09" West continuing along said northerly and southerly lines, a distance of 60.86 feet to a point therein;

Thence North 19°52'51" West, a distance of 109.93 feet to a point of curve;

Thence along the arc of a curve deflecting to the right, and having a radius of 74.50 feet, a central angle of 91°55'43", a tangent of 77.05 feet, a chord of 107.12 feet which bears South 58°00'19" East, a distance of 119.53 feet to a point of compound curvature;

Thence along the arc of a curve deflecting to the right, and having a radius of 199.50 feet, a central angle of 07°31'48", a tangent of 13.13 feet, a chord of 26.20 feet which bears South 08°16'33" East, a distance of 26.22 feet to the Principal Place of Beginning, and containing 6,102 Square Feet (0.1401 acre) of land, be the same more or less, but subject to all legal highways and easements of record.

Section 4. That the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to Steelyard Commons LLC subject to any conditions stated in this ordinance, at a price of \$1.00 and for other valuable consideration, which is determined to be fair market value.

Section 5. That the easement shall be non-exclusive and the purpose of the easement shall be to install signage, and for electrical and maintenance activities at Quigley Road and Steelyard Commons Drive.

Section 6. That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Capital Projects; that the easement shall require that Steelyard Commons LLC provide reasonable insurance, maintain any Steelyard Commons LLC improvements located within the easement; 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 7. 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 Capital Projects on behalf of the City of Cleveland. The Directors of Capital Projects 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 8. That the Director of Capital Projects is authorized to enter into one or more agreements with the State of Ohio and/or Steelyard Commons LLC for additional land donations from the State of Ohio and/or Steelyard Commons LLC that may be necessary to finalize right-of-way dedications at Quigley Road, Steelyard Commons Drive and Jennings Road in the vicinity of Steelyard Commons.

Section 9. That the agreements shall be prepared by the Director of Law.

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

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

Ord. No. 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 war-

rant 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.

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

Ord. No. 1366-12.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Law to enter into an agreement with the City of Bratenahl, Ohio to provide prosecution services in the Cleveland Municipal Court to the City of Bratenahl, Ohio, on a month to month basis, unless sooner canceled or terminated under its terms.

Whereas, the Charter of the City of Cleveland provides at Section 84 that the Director of Law shall be the Prosecuting Attorney of the Cleveland Municipal Court; and

Whereas, Section 9.482(B) of the Revised Code provides that a political subdivision may enter into an agreement with another political subdivision to render a service for that political subdivision; and

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

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

Section 1. That the Director of Law is authorized to enter into an agreement with the City of Bratenahl, Ohio to provide prosecution services in the Cleveland Municipal Court to the City of Bratenahl, Ohio, on a month to month basis, unless sooner canceled or terminated under its terms.

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

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 1365-12.

By Council Member Cimperman.

An emergency resolution supporting the American Lung Association in its campaign to protect the Clean Air Act, urging the U.S. Environmental Protection Agency to fully employ and enforce the Clean Air Act, and opposing all attempts to weaken, delay or otherwise prevent the EPA from enforcing the Clean Air Act.

Whereas, polluted outdoor air is now recognized as a public health problem nationally, statewide and locally; and

Whereas, numerous studies confirm deleterious health effects from air pollution levels once deemed safe; and

Whereas, air pollution exacerbates chronic lung disease and asthma resulting in increased numbers of emergency room visits and hospitalization, and is also implicated in heart disease, strokes and premature deaths; and

Whereas, air pollution particularly affects the most vulnerable citizens: seniors, children and those with compromised health; and

Whereas, since 1970, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control

that saves lives and creates economic benefits exceeding its costs; and

Whereas, the Clean Air Act develops scientifically based standards for Particular Matter (soot), Ground Level Ozone (smog), Mercury and Air Toxics and Carbon Pollution to protect the public from their hazardous effects; and

Whereas, healthy air will protect the public health, save lives and reduce health care costs; and

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

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

Section 1. That this Council hereby supports the American Lung Association in its campaign to protect the Clean Air Act, urges the U.S. Environmental Protection Agency to fully employ and enforce the Clean Air Act, and opposes all attempts to weaken, delay or otherwise prevent the EPA from enforcing the Clean Air Act.

Section 2. That the Clerk of Council is hereby directed to forward copies of this resolution to Verna Riffe Biemel, American Lung Association in Ohio, Lisa Jackson, EPA Administrator and all members of the United States Congress.

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

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

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

Res. No. 1364-12.

By Council Member Pruitt.

An emergency resolution objecting to the transfer of Liquor License of a C2 and C2X Permit to 14302 Harvard Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 and C2X Liquor Permit from Frank McLeod, DBA McLeod Deli, 12518 Shaw Avenue, 1st floor and basement, Cleveland, Ohio 44108, Permanent Number 57727730001 to Ramzy Abed, 14302 Harvard Avenue, Cleveland, Ohio 44128, Permanent Number 0024014; 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 Liquor License of a C2 and C2X Liquor Permit from Frank McLeod, DBA McLeod Deli, 12518 Shaw Avenue, 1st floor and basement, Cleveland, Ohio 44108, Permanent Number 57727730001 to Ramzy Abed, 14302 Harvard Avenue, Cleveland, Ohio 44128, Permanent Number 0024014; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 744-12.

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

An emergency ordinance determining the method of making the public improvement of constructing a transient marina at the East 9th Street pier and associated support facilities and amenities; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvement; authorizing design services, construction management and other related services; acquiring any real property and easements necessary for right-of-way purposes; to enter into various written standard purchase and requirement contracts;

authorizing one or more professional consultants for marina management services; authorizing submerged land leases; authorizing the Director to apply for and accept gifts, grants, and other funding from public and private entities, including the gift or loan of equipment; authorizing the Director to fix and charge docking fees; for a period of five years with one five-year option to renew, exercisable through additional legislative authority.

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

1. In the title, strike lines 19, 20, 21, and 22 in their entirety and insert **"equipment; and authorizing the fixing and charging of docking fees."**

2. In Section 4, strike lines 5 and 6 in their entirety and insert **"marina management services, for a period of one year, with three one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council."**

Amendments agreed to.

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

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

Ord. No. 1060-12.

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

An emergency ordinance authorizing the Director of Public Safety to lease certain space located in The Allerton Apartments at 1802 East 13th Street, Cleveland, Ohio from Allerton Apartments, LP, for a term of five years, for the public purpose of establishing and operating an auxiliary police station.

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

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

Ord. No. 1070-12.

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

An emergency ordinance authorizing the Director of Port Control to enter into an Option to Lease Agreement, for a period of one year, with a one-year option to renew, exercisable by the Director of Port Control, with Geis Construction, Inc., an Ohio Corporation, or its designee, for an area known as the Burke Development District in order to market the district for future redevelopment.

Approved by Directors of Port Control, Finance, Law; Passage rec-

ommended by Committees on Aviation and Transportation, Finance, when amended, as follows:

1. In Section 1, line 8, after "1070-12-A." insert "**A copy of the approved legal description will be placed in the file when it is obtained.**"; and in line 9 after "one year," insert "**which term shall begin on the effective date of this ordinance.**".

Amendment agreed to.

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

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

Ord. No. 1082-12.

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

An emergency ordinance authorizing the Director of Port Control to lease Docks 28B, 30, and 32, excluding the warehouses on Docks 30 and 32, to the Cleveland Browns Stadium Company LLC for year-round surface parking and for staging special event programming.

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

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

Ord. No. 1245-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of ready mix concrete, materials, and supplies, for the various divisions of City government, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1247-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Substance Abuse and Mental Health Services Administration for the Regional Drug Court Project; and authorizing the Director to enter into one or more agreements with various suburban municipal courts, Recovery Resources, Inc., Community Assessment and Treatment Services, and Case Western Reserve University to implement the grant.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1248-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Bureau of Justice Assistance for the

Veterans Treatment Docket Program; and to enter into one or more contracts with Stella Maris, Inc., Case Western Reserve University, and Cuyahoga County to implement the program.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1249-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Office of Criminal Justice Services for the Veterans Treatment Docket Program; and to enter into one or more contracts with Stella Maris, Inc. to implement the program.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1250-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Bureau of Justice Assistance for the Adult Drug Court Expansion Grant; and authorizing the Director to enter into one or more agreements with South Euclid Municipal Court, Recovery Resources, Inc. and Case Western Reserve University to implement the grant.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1252-12.

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

An emergency ordinance to amend the title and Sections 2 and 8 of Ordinance No. 1608-11, passed March 19, 2012, relating to the cooperative agreement with the Cleveland-Cuyahoga Port Authority regarding the use of proceeds generated from parking activities and to transfer the balance to the City, to establish a Downtown Lakefront Management special revenue fund, and authorizing contracts to operate, maintain, and manage The Downtown Lakefront.

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

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

Ord. No. 1253-12.

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

An emergency ordinance to amend the title and Sections 2 and 3 of Ordinance No. 1607-11, passed March 26, 2012, relating to the authorizing the Mayor and the Directors of Public Works and Port Control to enter into

a Third Amendment and Restatement to Common Area Maintenance Agreement No. 48828 for the development, use, maintenance and operation of the common area of the North Coast Harbor.

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

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

Ord. No. 1255-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of firefighting protective gear, for the Division of Fire, Department of Public Safety.

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

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

Ord. No. 1264-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from Cuyahoga County for the Juvenile Court's Community Diversion Program - Ancillary Fund Grant; and authorizing the Director to enter into one or more agreements with Guidestone and the City of East Cleveland to implement the grant.

Approved by Directors of Community Relations Board, Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 1324-12.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Bureau of Justice Assistance for the Smart Probation Grant; and authorizing the Director to enter into an agreement with Case Western Reserve University and Cuyahoga County to implement the grant.

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

1. In the title, line 8 in its entirety and insert "**Cuyahoga County, and a service provider to implement the grant.**".

2. In Section 4, line 3, strike "and Cuyahoga County" and insert "**Cuyahoga County, and a service provider for automated telephone reporting acceptable to the court and the grantor.**".

3. In Section 6, line 1, strike "agreement" and insert "**agreements**".

Amendments agreed to.

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

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

Ord. No. 1336-12.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. MA 1505 RC 2010-79 with H. Leff Electric for materials, parts, and supplies necessary for the electrical maintenance of facilities, including labor when necessary, and for high and medium voltage testing equipment and safety equipment, for the various divisions of City government.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

MOTION

By Council Member Sweeney, seconded by Council Member Conwell and unanimously carried that the absence of Council Member Anthony Brancatelli be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:55 p.m. to meet on Monday, October 1, 2012 at 7:00 p.m. in the Council Chambers.

Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 19, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 19, 2012 at 10:39 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson and Director Flask.

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. 473-12.

By Director Dumas.

Whereas, the City of Cleveland, through the Director of Finance, entered into an agreement with Resources Connection, LLC d/b/a Resource Global Professionals ("Agency"), City Contract No. PS2012*222, based on its July 30, 2012 proposal, to supply two temporary employees for a period of 120 days, to conduct a review and assessment of certain Division of Fire training records, for the Division of Internal Audit, Department of Finance, for a fee not to exceed \$47,800.00; and

Whereas, in the testing of records performed under the contract to date, the temporary employees found additional Division of Fire training databases, thereby requiring additional hours of services to review and assess them to complete the Fire Training Records Review; and

Whereas, Ordinance No. 263-12, passed by the Cleveland City Council on March 26, 2012, authorizes the Director of Finance to employ by contract or contracts one or more temporary employment agency or agencies for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide the professional services necessary to supply temporary personnel for the Department of Finance, for a period not exceeding one year; and

Whereas, the Agency has proposed, by its September 14, 2012 Fee Proposal for Additional Hours, to provide the necessary additional hours of services of the temporary personnel supplied to complete the Fire Training Records Review, for an additional fee not to exceed \$22,500.00; and

Whereas, the City desires to supplement Contract No. PS2012*222, on the basis of Agency's Fee Proposal, to include the additional services of the temporary employees necessary to complete the Fire Training Records Review; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 263-12, passed by the Cleveland City Council on March 26, 2012, Resources Connection, LLC d/b/a Resource Global Professionals ("Agency") is selected from a list of firms determined after a full and complete canvass by the Director of Finance as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to supply two temporary employees for a period of 120 days, to conduct a review and assessment of certain Division of Fire training records, for the Division of Internal Audit, Department of Finance.

Be it further resolved that the Director of Finance is authorized to enter into a contract with Agency, based on its July 30, 2012 proposal, and its September 14, 2012 Fee Proposal for Additional Hours, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described above and in the

proposals, for a total fee not to exceed \$70,300.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 474-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1628-10, passed by the Council of the City of Cleveland on January 24, 2011, Efacec ACS Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement the regularly employed staff of the Public Utilities Department of the City of Cleveland to provide professional services necessary to acquire licenses and provide a backup SCADA control center at the East Side Service Center, including installing, implementing, integrating, interfacing, testing, and training, and for maintenance, technical support, and other related issues for a period up to two years for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Efacec ACS Inc., based on its proposal dated July 3, 2012, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for a fee of \$548,973.30, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Efacec ACS Inc. for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Apple AGC Consultants, LLC (CSB/FBE/LPE)	\$66,654.00 12.14%
Control Systems (CSB/MBE)	\$31,105.00 5.67%

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 475-12.

By Director Withers.

Whereas, under the authority of Ordinance No. 984-07, passed by the City of Cleveland Council on August 8, 2007, the City of Cleveland, through the Director of Public Utilities, entered into an agreement

with Ventyx, City Contract No. 67844, for professional services necessary to maintain the Ventyx Customer Suite, Service Suite and Asset Suite software, including new releases, patches and fixes, technical support and product research and improvement for the one-year period starting August 1, 2008, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, under the authority of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O."), and Resolution No. 27-10, adopted by this Board of Control on January 27, 2010, the City of Cleveland, through the Director of Public Utilities, entered into a first modification (numbered as PS2010*61) to Contract No. 67844 for professional services necessary to maintain the Ventyx software system for the one-year period starting August 1, 2009; and

Whereas, under the same authority of Section 181.102 C.O., and Resolution No. 444-10, adopted by this Board of Control on October 27, 2010, the City of Cleveland, through the Director of Public Utilities, entered into a second modification to Contract No. PS2010*61 for professional services necessary to maintain the Ventyx software system for the one-year period starting August 1, 2010; and

Whereas, division (c) of Section 181.102 C.O. authorizes a director, previously authorized to acquire a software system, to execute one or more license agreements for software needed to implement or maintain the system directly with the firm(s) licensing the software; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director, previously authorized to contract with a software developer or vendor to acquire software, to enter into an agreement with the developer or vendor for professional services necessary to perform as-needed services to implement or maintain the software products, including but not limited to, maintenance, repair, upgrades, migration, enhancements and technical support; and

Whereas, under division (d) of Section 181.102 C.O., the City intends to enter into two (2) one-year agreements with Ventyx, Inc. for additional maintenance and technical support services to implement and maintain the Ventyx Customer Suite, Service Suite and Asset Suite software for the one-year terms starting August 1, 2011 and August 1, 2012 respectively; and

Whereas, Consultant has proposed by its July 16, 2012 Order Form to perform the additional maintenance and technical support services for one year starting August 1, 2011 for a fee of \$152,403.00; and,

Whereas, Consultant has also proposed, by the same Order Form, to perform the additional maintenance and technical support services for one year starting August 1, 2012 for a fee of \$152,403.00 + CPI; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, under division (e) of Section 181.102 C.O., that the compensation to be paid Ventyx Inc. for additional maintenance and technical support services for the Ventyx Customer Suite, Service Suite, and Asset Suite

software for the one-year terms starting August 1, 2011 and August 1, 2012 shall be fixed at \$152,403.00 and \$152,403.00 + CPI, respectively.

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

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

Resolution No. 476-12.

By Director Smith.
Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by EnviroCom Construction, Inc., under City Contract No. PI2012*002 for the public improvement of renovating and upgrading the Federal Services Station Building at Cleveland Hopkins International Airport, authorized by Ordinance No. 273-09, passed by the Council of the City of Cleveland on June 8, 2009, and Board of Control Resolution No. 465-11, as amended by Resolution No. 127-12, Resolution No. 294-12 and Resolution No. 395-12, adopted September 21, 2011, March 28, 2012, July 5, 2012 and August 15, 2012, respectively, is approved.

<u>Subconsultant</u>	<u>CSB/MBE/FBE %</u>	<u>Amount</u>
Cleveland Vicon Co., Inc.	0.92% Non CSB/MBE/FBE	\$14,863.00

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

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

Resolution No. 477-12.

By Director Cox.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Hans' Truck and Trailer Repair, Inc. dba Hans' Freightliner of Cleveland, for an estimated quantity of two cab & chassis with dump bodies and related equipment, including option one, and two cab & chassis with dump bodies and related equipment, including option two, for the Division of Motor Vehicle Maintenance, Department of Public Works, for the period of one year beginning with the date of execution of a contract, received on June 1, 2012, under the authority of Ordinance No. 1602-10, passed by Cleveland City Council on December 6, 2010, and Ordinance No. 943-11, passed by Cleveland City Council on July 20, 2011, which on the basis of the estimated quantity would amount to \$539,959.70 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the specified goods.

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

Be it further resolved by the Board of Control that the employment of the following subcontractor by Hans' Truck and Trailer Repair, Inc. dba Hans' Freightliner of Cleveland, is approved:

<u>Subcontractor</u>	<u>Percentage</u>	<u>Amount</u>
Concord Road Equipment	NA	\$135,545.84

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

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

Resolution No. 478-12.

By Director Cox.
Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 14, 2012 for Public Auditorium HVAC Improvements for the Department of Public Works, pursuant to the authority of Ordinance No. 684-08, passed by the Council of the City of Cleveland on July 2, 2008 are rejected.

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

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

Resolution No. 479-12.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 132-10-178 located at 3810 East 57th Street 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, Landis Warner 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 Landis Warner, for the sale and development of Permanent Parcel No. 132-10-178 located at 3810 East 57th 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: Interim Director Langhenry, Director Dumas, Acting Director O. Shaw, Directors Smith, Cox, Butler, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

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

Resolution No. 480-12.

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. 141-17-051 located at 16701 Holly Hill 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, the Harvard Community Services Center has proposed to the City to purchase and develop the parcel for redevelopment; 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 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 Denise Knight for the sale and development of Permanent Parcel No. 141-17-051 located at 16701 Holly Hill, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$500.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

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

Resolution No. 481-12.

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. 019-21-097 located at 12600 Firsby Avenue in Ward 17; 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, Kernals Property Group, LLC 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 17 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 Kernals Property Group, LLC for the sale and development of Permanent Parcel No. 019-21-097 located at 12600 Firsby 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 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: Interim Director Langhenry, Director Dumas, Acting Director O. Shaw, Directors Smith, Cox, Butler, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

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

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119,

City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 8, 2012

9:30 A.M.

Calendar No. 12-141: 5902 Storer Avenue (Ward 15)

MSM Family Investment, owner, appeal to change use of a two-story building from two dwelling units to one dwelling and a pizza shop located on a 75.54' x 37.32' corner parcel in a C1 General Retail Business District; two parking spaces are proposed contrary to 10 spaces required according to Section 349.04(f) and a landscape strip 6 feet wide is required along Storer Avenue where the parking lot abuts the street in accordance with Section 352.10 in the Cleveland Codified Ordinances. (Filed 8-2-12; dismissed 9-4-12; reinstated (9-17-12))

Calendar No. 12-148: 1461 East 116th Street (Ward 9)

Timothy Payne appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered ex parte on June 11, 2012 by the City of Cleveland Parking Violations Bureau Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00093906, issued April 11, 2012 for the property located at 1461 East 116th Street and failure to comply with the provisions under Chapter 551 in the Cleveland Codified Ordinances. (Filed 8-9-12)

Calendar No. 12-166 1749 West 32nd Street (Ward 3)

Kerry Noonan, owner, appeals to erect a 22' x 20' one-story frame, reverse gable garage on a 40' x 128.51' parcel located in a B1 Two-Family District; requesting a distance of 5 feet contrary to Section 337.23 and a requirement of 10 feet for the distance of an accessory

garage from a main building on an adjoining lot in a Residence District, according to the Cleveland Codified Ordinances. (Filed 9-12-12)

Calendar No. 12-168: 3689 West 159th Street (Ward 19)

Lucilleville LLC and Dean Hinterberger, owner, appeal to install an air conditioning unit in the side yard of a 50' x 73.65' parcel in a B1 Two-Family District; subject to the restrictions under Sections 357.09(b)(2)(B), in any use district no interior side yard on a lot occupied by a dwelling house shall be less than 3 feet in width and an air conditioning unit is not a permitted interior side yard encroachment in the provisions of Section 357.13 of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONAY, SEPTEMBER 24, 2012

At the meeting of the Board of Zoning Appeals on Monday, September 24, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-117: 11614 Madison Avenue

CPT Investments, LLC, owner, and Jeremiah Ward, prospective tenant, appealed to establish use for a tattoo parlor in a B3 Semi-Industry District; subject to conditions.

Calendar No. 12-149: Violation Notice 3342 West 58th Street

Darren Morgan appealed from a decision by a designee of the Director of Public Works regarding Civil Infraction Ticket WC00136945; penalty amount reduced.

Calendar No. 12-152: Violation Notice 1337 East 85th Street

Cyril Weathers appealed from a decision by a designee of the Director of Public Works regarding Civil Infraction Ticket WC00064477; penalty amount reduced.

Calendar No. 12-155: 11211 Juniper Road

Case Western Reserve University appealed to construct a temporary parking lot on an acreage parcel in a D5 Multi-Family District.

Calendar No. 12-104: Violation Notice 3180 West 105th Street

VR Property Group LLC appealed from a decision by a designee of the Director of Public Works regarding Civil Infraction Ticket WC00113670; penalty amount reduced.

Calendar No. 12-62: 1762 East 89th Street

Tina Humphrey appealed to change use of a residential dwelling to a Type A Day Care; subject to lot consolidation and revised plan.

The following appeal was **DENIED:**

Calendar No. 12-158: 2027 West 81st Street

Rafael Morales appealed to erect a 6 feet high wooden fence with the unfinished side facing the adjacent

property in a B1 Two-Family District.

The following appeals were **WITHDRAWN:**

None.

The following appeal was **DISMISSED:**

Calendar No. 11-125: 1130 Ivanhoe Road

G.Z.T., Inc., owner, and John Hirko, prospective tenant, appealed to establish a landscape supply yard and stockpiling use in a Local Retail Business District.

The following appeals were **POSTPONED:**

None.

The following appeals heard by the Board on September 17, 2012 were adopted and approved on September 24, 2012.

The following appeals were **APPROVED:**

Calendar No. 12-103: 10926 Hampden Avenue

Lenora Kelton appealed to erect 100 linear feet of 4 feet high chain link fence and a gate in a B1 Two-Family District.

Calendar No. 12-119: 3300 Clinton Avenue

Jason Bristol appealed to erect a two-story single family dwelling on a corner parcel in a B1 Two-Family District.

Calendar No. 12-131: Violation Notice 3524 East 133rd Street

Ernest Young appealed from a decision rendered by the designee of the Director of Public Service regarding Civil Infraction Ticket Number WC00125252 citing failure to comply with Section 551.111(A).

The following appeal heard by the Board on August 6, 2012 was adopted and approved on September 24, 2012.

The following appeal was **APPROVED:**

Calendar No. 12-54: 6607 Park Avenue

Bernadine Gusley, owner, and Jose Ortiz, prospective tenant, appealed to establish use for scrap metal storing and processing in a B2 General Industry District; subject to conditions.

The following appeal heard by the Board on September 4, 2012 was adopted and approved on September 24, 2012.

The following appeal was **APPROVED:**

Calendar No. 12-136: 903 Royal Road

Maurice Daugherty appealed to erect an addition to an existing garage in a C1 Multi-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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, OCTOBER 11, 2012

File No. 121-12 - Purchase of LED Street Light Luminaires for a Pilot Project, Phase III, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance Nos. 558-11 and 1215-11, passed by the Council of the City of Cleve-

land, July 20, 2011 and October 10, 2011, respectively.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 28, 2012 AT 10:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 19, 2012 and September 26, 2012

WEDNESDAY, OCTOBER 17, 2012

File No. 120-12 - West Sixth Street Streetscape, West Lakeside Avenue to West St. Clair Avenue and Professor Street Intersection, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance Nos. 1570-11 and 1571-11, passed by the Council of the City of Cleveland, December 5, 2011.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) 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 MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 4, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 19, 2012, September 26, 2012 and October 3, 2012

THURSDAY, OCTOBER 18, 2012

File No. 119-12 - Cedar Avenue Reconstruction (East 89th Street to MLK Jr. Drive), for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 592-11, passed by the Council of the City of Cleveland, June 6, 2011.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) 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 MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 4, 2012 AT 1:00 P.M. CLEVELAND CITY HALL, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 19, 2012, September 26, 2012 and October 3, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1334-12.

By Council Member Cleveland.
An emergency resolution objecting to a New C1 Liquor Permit at 2559 East 55th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 2559 East 55th Street, LLC, DBA Discounts R Us, 2559 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9115224; 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 2559 East 55th Street, LLC, DBA Discounts R Us, 2559 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9115224; 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 September 17, 2012.
Effective September 20, 2012.

Res. No. 1337-12.

By Council Member Zone.

An emergency resolution supporting the application of the Painters Loft Condominiums Owners' Association, Inc. to the Ohio Department of Development for State Historic Tax Credits for the Painters Loft Condominiums located on Franklin Boulevard.

Whereas, each year the State of Ohio through the Ohio Department of Development allocates State Historic Tax Credits for historic housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Cleveland City Council has recognized the need to maintain historic housing in Cleveland's neighborhoods; and

Whereas, the Painters Loft Condominiums, located on Franklin Boulevard, are 20 two-bedroom units, 12 of which are currently occupied, in what was originally a warehouse used for paint storage; and

Whereas, the unique loft-style condominiums appeal to young professionals, adding diversity to the thriving Detroit Shoreway/Gordon Square arts district;

Whereas, the Painters Loft Condominium building is in desperate need of repair as identified in an engineering study completed in 2011, including full roof replacement, masonry defects and other building issues, which issues keep the remaining units from being sold; and

Whereas, the Painters Loft Condominiums Owners' Association, Inc. is proposing capital improvements to the Painters Loft Condominiums and intends to begin such improvement in the spring of 2013; and

Whereas, Cleveland City Council supports the Painters Loft Condominiums Owners' Association, Inc.'s proposal for the Painters Loft Condominiums as a high priority initiative for future development in the community for the benefit the citizens of the City of Cleveland; and

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

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

Section 1. That this Council supports the application of the Painters Loft Condominiums Owners' Association, Inc. to the Ohio Department of Development for State Historic Tax Credits for the Painters Loft Condominiums located on Franklin Boulevard.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Matt Stevens, Vice President, The Painters Loft Condominiums Owners' Association, Inc.

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 September 17, 2012.
Effective September 20, 2012.

Res. No. 1339-12.
By Council Member Cimperman.
An emergency resolution with-
drawing objection to the transfer of
ownership of a D2, D2X, D3, D3A and
D6 Liquor Permit at 2814 Detroit
Avenue and repealing Resolution No.
932-12, objecting to said transfer.

Whereas, this Council objected to a D2, D2X, D3, D3A and D6 Liquor Permit to 2814 Detroit Avenue, by Resolution No. 932-12 adopted by the Council on July 11, 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 a D2, D2X, D3, D3A and D6 to King David Enterprises LLC, DBA Union Station Video Café & Patio, 2814 Detroit Avenue, Cleveland, Ohio 44113, Permanent Number 4652361, be and the same is hereby withdrawn and Resolution No. 932-12, 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 September 17, 2012.
 Effective September 20, 2012.

Ord. No. 1063-12.
By Council Member Zone.
An emergency ordinance designat-
ing the Globe Machine and Stamping
Company as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Globe Machine and Stamping Company as a landmark; and

Whereas, the owners of the Globe Machine and Stamping Company have been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Globe Machine and Stamping Company as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Globe Machine and Stamping Company, whose

street addresses in the City of Cleveland are 1228-1250 West 76th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 002-03-004 and 002-03-019, and is also known as the following described property:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being Sublots Nos. 94 to 98, both inclusive, 162 to 164, both inclusive, part of Sublots Nos. 99 and 161 and a 15 foot alley, now vacated by City of Cleveland Ordinance No. 2133-47 in W. J. Gordon's Allotment of part of Original Brooklyn Township Lots 29 and 30, as shown by the recorded plat in Volume 17 of Maps, Page 9 of Cuyahoga County Records, part of West 78th Street, 40 feet in width now vacated by City of Cleveland Ordinance No. 2134 and part of Sublot No. 2 in Lamb and Hooker's Allotment of part of Original Brooklyn Township Lots. Nos. 29 and 30, as shown by the recorded plat in Volume 2 of Maps, Page 27 of Cuyahoga County Records, together forming a parcel of land, bounded and described as follows:

Beginning in the Westerly line of West 76th Street, 50 feet in width at its intersection with the Southeastery line of the Consolidated Rail Corporation Right of Way, 100 feet in width; thence South 0 deg. 01' 46" East along the Westerly line of said West 76th Street, 243.19 feet to a point; thence Westerly along the Northerly line of land so conveyed to Thomas Timura and Mary Timura by Deed dated December 30, 1982 and recorded in Volume 15696, Page 305 of Cuyahoga County Records and along the Northerly pilaster face of the two-story brick building located at No. 1250, 218.61 feet to a point; thence continuing Westerly along the Northerly line of land so conveyed to Thomas and Mary Ellen Timura, 9.88 feet to a Westerly line of land conveyed to Mau - Sherwood Supply Company Inc. by Deed dated March 27, 1979 and recorded in Volume 15016, Page 381 of Cuyahoga County Records; thence South 89 deg. 48' 40" West, 130.00 feet to a point; thence North 0 deg. 11' 20" West, 65.77 feet to the Southeastery line of the aforementioned Consolidated Rail Corporation right of way, 400.66 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P.N. 002-03-004

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublots Nos. 100 and 160, part of Sublots Nos. 99, 101, 102, 159, and 161 in W. J. Gordon's Allotment of a part of Original Brooklyn Township Lots Nos. 29 and 30, as shown by the recorded plat in Volume 17 of Maps, Page 9 of Cuyahoga County Records, part of West 78th Street, 40 feet in width, now vacated by City of Cleveland Ordinance No. 2134-47, together forming a parcel of land bounded and described as follows:

Beginning in the westerly line of West 76th Street; 50 feet in width, at its intersection with the southeasterly line of the Consolidated Rail Corporation Right of Way, 100 feet in width, being also the northeasterly corner of land conveyed to Mau - Sherwood Supply Company, Inc. by deed dated

March 22, 1979 and recorded in Volume 15016, Page 381 of Cuyahoga County Records;

Thence South 0 deg. 01' 46" East along the westerly line of said West 76th Street, 243.19 feet to the northerly pilaster face of the two-story Brick Building located at No. 1250, and the principal place of beginning of the premises to be described;

Course No. 1:

Thence South 0 deg. 1' 46" East along the westerly line of said West 76th Street, 120.05 feet to its intersection with a line drawn parallel with and distant 0.17 feet southerly by rectangular measurement from the southerly face of a one-story Brick Building;

Course No. 2:

Thence South 89 deg. 44' 02" West along said parallel line, 65.20 feet;

Course No. 3:

Thence North 0 deg. 11' 20" West, 12.37 feet;

Course No. 4:

Thence South 89 deg. 48' 40" West at right angles to last described course, 162.95 feet to a point in the westerly line of land conveyed as aforesaid to Mau - Sherwood Supply Company, Inc.;

Course No. 5:

Thence North 0 deg. 11' 20" West along the westerly line of land so conveyed to Mau - Sherwood Supply Company, Inc., 107.61 feet to a corner thereof;

Course No. 6:

Thence North 89 deg. 48' 40" East, 9.88 feet to the northwest corner of the aforementioned two-story Brick Building;

Course No. 7:

Thence North 89 deg. 46' 11" East along the northerly pilaster face of said two-story Brick Building, 218.61 feet to the place of beginning, containing 25,394 square feet of land (0.5830 acres) according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1982, be the same more or less, but subject to all legal highways.

P.P.N. 002-03-019

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed September 17, 2012.
 Effective September 17, 2012.

Ord. No. 1241-12.

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

An emergency ordinance determining the method of making the public improvement of constructing the new Third District Police Station and related site work; and authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director of Capital Projects to enter into agreement with Richard L. Bowen & Associates, Inc.; authorizing the Director of Community Development to transfer property described as 4501-4801 Chester Avenue to the control, possession, and use of the Department of Public Safety, for the new Third District Police Station; authorizing the Commissioner of Purchases and Supplies to acquire various rights and interests in real property needed to implement the improvement; authorizing the Director of Capital Projects to enter into one or more contracts for professional services necessary to perform various environmental remediation activities and other services necessary for the improvement; and authorizing the Director of Capital Projects to apply for and accept gifts or grants from any public or private entity for this purpose.

Whereas, under Ordinance No. 912-12, passed July 11, 2012, the City entered into an agreement with Midtown Cleveland, Inc. ("Midtown") to redevelop the former Ward Bakery site ("the Property"); and

Whereas, after a competitive proposal process, Midtown selected and entered into a contract with Richard L. Bowen & Associates, Inc. to provide the architectural and engineering design services necessary to redevelop the Property; and

Whereas, the City has now determined to take over the redevelopment of the property, and Midtown has offered, and the City desires to accept an assignment from Midtown Cleveland, Inc. of the contract with Richard L. Bowen & Associates, Inc. for the professional architectural and engineering design services necessary for the redevelopment project; and

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

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

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

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to

make the public improvement of constructing the new Third District Police Station, and grading and paving, constructing sidewalks, driveway aprons, curbing, curb ramps, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with constructing the new Third District Police Station (the "Improvement"), for the Division of Police, Department of Public Safety, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That, provided that this Council authorizes and the City sells future subordinated lien income tax bonds that include the Improvement authorized in this ordinance, the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price 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 for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

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

Section 4. That, provided that this Council authorizes and the City sells future subordinated lien income tax bonds that include the improvement authorized in this ordinance, the Director of Capital Projects is authorized to accept an assignment from Midtown Cleveland, Inc. of its contract with Richard L. Bowen & Associates, Inc. to provide the professional architectural and engineering design services necessary for the Improvement in the approximate amount of \$1,063,797.

Section 5. That the Director of Capital Projects is authorized to execute all documents and do all things necessary and appropriate to effect the acceptance of the assignment.

Section 6. That the assignment agreement shall be prepared by the Director of Law.

Section 7. That, under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, and upon approval of the Board of Education of the Cleveland Metropolitan School District and the County Council of Cuyahoga County, Ohio, the Director of Community Development is authorized to transfer the property located at 4501-4801 Chester Avenue and known as Permanent Parcel No. 104-31-017 to the control, possession, and use of the Department of Public Safety for the new Third District Police Station.

Section 8. That on consummation of the transfer referenced above, the directors participating in the transac-

tion shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management, Department of Public Works.

Section 9. 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 purchase, lease, or otherwise acquire easements, fee interest, licenses, permits and other rights or interests in real property necessary for the Improvement.

Section 10. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire rights or interests in real property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and other consultants and all other costs necessary for the acquisition or use of the rights or interests in the property acquired under this section of this ordinance.

Section 11. 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 perform environmental services, and any other professional services needed to implement the Improvement. Activities shall include, but not be limited to, environmental assessments, surveys, various fees relating to securing a No Further Action Letter, and other activities and services necessary to bring the site to the appropriate standard and secure a No Further Action Letter.

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 12. That the Director of Capital Projects is authorized to apply for and accept gifts or grants from any public or private entity for the purposes that include the Improvement. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the director, they shall be appropriated for the purposes set forth in this ordinance.

Section 13. That the cost of the contract or contracts, other expenditures, and real property and easement acquisitions authorized in this ordinance shall be paid from Fund Nos. 20 SF 381, 20 SF 391, 20 SF 503, 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, from the fund or funds to which are credited the proceeds of the sale of future subordinated lien income tax bonds, provided this Coun-

cil authorizes and the City sells the bonds, from the fund or funds approved by the Director of Finance, and from any grants accepted under this ordinance.

Section 14. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed September 17, 2012.

Effective September 17, 2012.

Ord. No. 1330-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more contracts with Manitowoc Company, Inc., or its designee, to provide economic development assistance to partially finance machinery and equipment acquisition for 1333 E. 179th Street and the construction of an office building which will be adjacent to its existing facility and will be located at 18301-15 St. Clair, and other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a forgivable loan agreement with Manitowoc Company, Inc., or its designee, in an amount of \$250,000, to provide economic development assistance to partially finance machinery and equipment acquisition at 1333 E. 179th Street, and other associated costs necessary to redevelop the property.

Section 2. That the Director of Economic Development is authorized to enter into a forgivable loan agreement under the Vacant Property Initiative with Manitowoc Company, Inc., or its designee, in an amount of \$180,000, to provide economic development assistance to partially finance the construction of an office building which will be adjacent to their existing facility and will be located at 18301-15 St. Clair, and other associated costs necessary to redevelop the property.

Section 3. That the term of the loans, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1330-12, 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 4. That the costs of the contracts shall not exceed an aggregate amount of \$430,000 and shall be paid from Fund No. 17 SF 008, Request No. RQS 9501, RL 2012-143.

Section 5. That the Director of Economic Development is authorized to accept such collateral as the director determines is sufficient in order to

secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 6. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 7. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 8. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 9. The contract authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

Section 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 September 17, 2012.

Effective September 20, 2012.

Ord. No. 1331-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Manitowoc Company, Inc., or its designee, to provide for a ten-year, sixty percent tax abatement for certain tangible real property improvements located at 18301-15 St. Clair Avenue in the Cleveland Area Enterprise Zone.

Whereas, by letter dated August 28, 2012, the City provided the Cleveland Metropolitan School District ("CMSD") with a notice of proposed tax exemptions required by Section 5709.83 of the Revised Code. That notice was provided to the CMSD not later than fourteen days prior to adoption of this ordinance; and

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area, which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics described in division (A) of Section 5709.61 of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, Manitowoc Company, Inc., or its designee (the "Enterprise") has proposed to construct a new office building on a site adjacent to its facility to be located at 18301-15 St. Clair Avenue (PPNs 116-19-018, 116-19-019, 116-19-020 and 116-19-021) in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on certain real property improvements, were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and 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, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement on certain real property improvements; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1331-12-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council. The agreement with the Cleveland Municipal School District for this tax abatement shall be included in the legislative file when executed.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305.

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 6. That any contract authorized by this legislation must require

the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts. The identification process shall place special emphasis on the hard to employ, including people who are disabled and people who have been convicted of or who have pled guilty to a criminal offense which is unrelated to the duties of the job opportunity.

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 September 17, 2012.

Effective September 20, 2012.

Ord. No. 1333-12.

By Council Member Zone.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Detroit Shoreway Community Development Organization for the SOMO Leadership Lab Project through the use of Ward 15 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 Detroit Shoreway Community Development Organization for the SOMO Leadership Lab Project for the public purpose of providing leadership educational classes in community collaboration for Cleveland residents through the use of Ward 15 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$7,500 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 September 17, 2012.

Effective September 20, 2012.

REPRINT

**Ord. No. 1240-12.
By Council Members Kelley,
Mitchell and Sweeney (by departmental request).**

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 535.051 relating to testing and monitoring programs and water bill credits.

Whereas, the Department of Public Utilities periodically conducts programs for testing and monitoring of residential and commercial water quality, distribution operations, and other testing and monitoring services determined to be necessary by the Director of Public Utilities; and

Whereas, in order to conduct these testing and monitoring programs, the Department of Public Utilities needs assistance from the customers; and

Whereas, those customers who wish to participate and are accepted into these programs by the Director of Public Utilities will perform tasks such as collecting water samples delivered to their homes or businesses and performing other related tasks which are out of the ordinary for a consumer, for the benefit of the Department of Public Utilities; and

Whereas, in order to encourage participation in these programs, the Department of Public Utilities is offering incentives in the form of water bill credits to eligible participants who complete the services under the programs; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 535.051 to read as follows:

Section 535.051 Testing and Monitoring Programs; Water Bill Credits

(a) The Director of Public Utilities may conduct programs for testing and monitoring of water distributed to residential and commercial premises to be performed by the customers. These programs shall relate to various aspects of the Division of Water and may include distribution operations, water quality, and other testing and monitoring determined to be necessary by the Director of Public Utilities.

(b) The Director of Public Utilities is authorized to provide water bill credits, to be established by the Board of Control, to eligible water customers after successfully completing monitoring and testing performed under a program offered under division (a) of this section. The total amount of all water bill credits autho-

rized by this division shall not exceed \$10,000 per year.

(c) The Director of Public Utilities shall establish guidelines for program eligibility and for administering the programs under this section. The Director shall have the final approval of all applications.

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 September 10, 2012.

Effective September 11, 2012.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, September 24, 2012
9:00 a.m.**

Health and Human Services Committee: Present: Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Polensek, Reed.

1:30 p.m.

City Planning Committee & Finance Committee: Present in Planning: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Keane, Zone. *Authorized Absence:* Dow. Present in Finance: Kelley, Chair; Sweeney, Vice Chair; Brady, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook, Zone. *Authorized Absence:* Brancatelli.

2:00 p.m.

Finance Committee: Present: Kelley, Chair; Sweeney, Vice Chair; Brady, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook, Zone. *Authorized Absence:* Brancatelli. Pro tempore: J. Johnson.

**Tuesday, September 25, 2012
9:30 a.m.**

Community and Economic Development Committee: Present: Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

**Wednesday, September 26, 2012
10:00 a.m.**

Aviation and Transportation Committee: Present: Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, Kelley, Mitchell. *Authorized Absence:* K. Johnson.

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Centa, William J. — Congratulations (R 1371-12) 1506
 Fabulous Food Show — Congratulations (R 1384-12) 1506
 Gordon, Chester — Condolence (R 1367-12) 1506
 Hagan, Timothy F. — Congratulations (R 1370-12) 1506
 Hart, Lisa — Congratulations (R 1381-12) 1506
 Hewett, Michael, Commissioner Division Of Printing & Reproduction — Congratulations
 (R 1379-12) 1506
 Hopkins, Thomas E. — Congratulations (R 1376-12) 1506
 Huber, Erin D. — Congratulations (R 1377-12) 1506
 James, Larry H. — Congratulations (R 1374-12) 1506
 Keenan, Jr., Dr. Daniel J. — Congratulations (R 1372-12) 1506
 Loomis, Scott — Congratulations (R 1380-12) 1506
 Manek, Ronald — Congratulations (R 1383-12) 1506
 Marcus, Richard — Congratulations (R 1382-12) 1506
 Masterson, Martin — Condolence (R 1368-12) 1506
 Niles, Sheila M. — Congratulations (R 1378-12) 1506
 Palko, George J. — Congratulations (R 1373-12) 1506
 Peterson, Dr. Ruth D. — Congratulations (R 1375-12) 1506

Ward 19

Gordon, Chester — Condolence (R 1367-12) 1506
 Stankus, Arnold — Condolence (R 1369-12) 1506

Water Division

Utilities Department — Enact New Section 535.051 — Residential testing and
 monitoring programs and water bill credits (O 1240-12) 1505-1520

Welcome

The Honorable Boutros Harb, Member, Lebanese Parliament (R 1394-12) 1506