

# The City Record

Official Publication of the Council of the City of Cleveland



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May the Twenty-Fifth, Two Thousand and Eleven

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

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

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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840

First Assistant Clerk – Sandra Franklin

**MAYOR** – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Maureen Harper, Executive Assistant to the Mayor, Chief of Communications

Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary

Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

**OFFICE OF CAPITAL PROJECTS** – Jonmarie Wasik, Director

**DIVISIONS:**

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager

Engineering and Construction – \_\_\_\_\_, Manager

Real Estate – \_\_\_\_\_, Commissioner

**DEPT. OF LAW** – Robert J. Triozzi, Director, Barbara A. Langhenry, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

**DIVISIONS:**

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – \_\_\_\_\_, Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair

Avenue

Purchases and Supplies – James E. Hardy, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

**DIVISIONS:**

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – \_\_\_\_\_, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – \_\_\_\_\_, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

**DEPT. OF PORT CONTROL** – Ricky D. Smith, Director, Cleveland Hopkins

International Airport, 5300 Riverside Drive

**DIVISIONS:**

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director

**OFFICES:**

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

**DIVISIONS:**

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – \_\_\_\_\_, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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

Erievue Plaza

**DIVISIONS:**

Air Quality – Richard L. Nemeth, Commissioner

Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza

Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue Plaza

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

**DIVISIONS:**

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street

Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue

Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

**DEPT. OF COMMUNITY DEVELOPMENT** – Daryl Rush, Director

**DIVISIONS:**

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – \_\_\_\_\_, Manager

Neighborhood Development – \_\_\_\_\_, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

**DIVISIONS:**

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council

Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer),

Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline

Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad,

Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

**CIVIL SERVICE COMMISSION** – Room 119, Robert Bennett, President; Michael L.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan,

Michael Flickinger.

**SINKING FUND COMMISSION** – Frank G. Jackson, President; Council President Martin

J. Sweeney; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members; John

Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS** – Room 516, J. F.

Denk, Chairman; \_\_\_\_\_, Arthur Saunders, Alternate Members – D. Cox, P.

Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

**BOARD OF REVISION OF ASSESSMENTS** – Law Director Robert J. Triozzi, President;

Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

**BOARD OF SIDEWALK APPEALS** – Service Director Jonmarie Wasik, Law Director

Robert J. Triozzi; Council Member Eugene R. Miller.

**BOARD OF REVIEW** – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities

Director Barry A. Withers; Council President Martin J. Sweeney.

**CITY PLANNING COMMISSION** – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean

Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

**FAIR HOUSING BOARD** – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L.

Render, Genesis O. Brown.

**HOUSING ADVISORY BOARD** – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan,

David Perkowski, Joan Shaver Washington, Keith Sutton.

**CLEVELAND BOXING AND WRESTLING COMMISSION** – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

**MORAL CLAIMS COMMISSION** – Law Director Robert J. Triozzi; Chairman; Finance

Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin

Kelley.

**POLICE REVIEW BOARD** – Thomas Jones, Board Chair Person; Vernon Collier, 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. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane

Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert

J. Triozzi.

## CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J.

Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief

Magistrate, Victor Perez – City Prosecutor

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, MAY 25, 2011

No. 5085

## CITY COUNCIL

MONDAY, MAY 23, 2011

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

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, May 23, 2011

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Natoya J. Walker-Miner, Chief of Public Affairs and Interim Director of Equal Opportunity, Directors Triozzi, Dumas, Withers, Smith, Cox, Butler, Flask, Wasik, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Tim Walker of Church Alive, 4840 State Road located in Ward 13. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

**File No. 775-11.**  
From Ohio CAT — Requesting an Amended Request for Copy of A Notice of Commencement (O.R.C. §

1311.04) and Copy of Notice of Commencement (O.R.C. § 1311.04). Received.

**File No. 776-11.**  
From Ohio CAT — Requesting an Amended Public Notice of Furnishing (O.R.C. § 1311.05) . Received.

**File No. 777-11.**  
From Cleveland Housing Network, Inc. — Cleveland NSP Homes I (Wards 4, 6, and 9 ) — notification letter as general partner of residential rental development project and utilizing multi-family funding programs of the Ohio Housing Finance Agency (OHIA). Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

**File No. 778-11.**  
Re: #2637923 — D3 New Application — Mildred Fantelli, d.b.a. Cozy Inn, 4568 Warner Road. (Ward 2). Received.

**File No. 779-11.**  
Re: #8942140 — D1, D2, D6 Transfer of Ownership and Location Application — Tink Holl Seafood Restaurant, Inc., 1735 East 36th Street. (Ward 8) Received.

**File No. 780-11.**  
Re: #9710420 — D5, D6 Stock Application — Winners on 185th LLC, d.b.a. Winners Sports Club and Grille, 770 East 185th Street. (Ward 11). Received

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 782-11**—Joseph Michael Rager.

**Res. No. 783-11**—Miles Kennedy.

**Res. No. 784-11**—Jonathia Rogers.

**Res. No. 785-11**—Tony Washington.

**Res. No. 786-11**—Joseph M. Lahner.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 787-11**—Professor Kermit J. Lind.

**Res. No. 788-11**—Booker T. Mal-lard.

#### RECOGNITION RESOLUTIONS

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

**Res. No. 789-11**—Asian American & Pacific Islander Heritage Month 2011.

**Res. No. 790-11**—Syrian Cultural Garden.

**Res. No. 791-11**—“Caring Individuals — Stepping Out Against Breast Cancer”.

**Res. No. 792-11**—Donna Marie Harris.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 745-11.**

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

**An emergency ordinance giving consent of the City of Cleveland to the State for the rehabilitation of the Harvard Avenue bridge over Wheeling and Lake Erie Railway Company railroad just west of East 103rd Street; authorizing the Director of Capital Projects to enter into any relative agreements; authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.**

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

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

**Section 1.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (“the State”) to construct the following improvement under plans, specifications, and estimates approved by the State: rehabilitation of the Harvard Avenue bridge over Wheeling and Lake Erie Railway Company railroad just west of East 103rd Street (the “Improvement”).

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation, and less the State’s portion of the cost of the Improvement. The entire cost of engineering, property acquisition, and environmental documentation shall be borne by the City. The City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the Improvement.

**Section 4.** That on completion of the Improvement, the City will:

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

(b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes;

**Section 5.** (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That 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.

(d) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

**Section 6.** That this Council requests the State to proceed with the Improvement.

**Section 7.** That the Director of Capital Projects is empowered on behalf of the City to enter into contracts with the Ohio Department of Transportation’s (“ODOT’s”) pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the Improvement. Upon the request of ODOT, the Director of Capital Projects is also empowered to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 8.** The City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT’s “Specifications for Consulting Services” as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT’s current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

**Section 9.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to

acquire for right-of-way purposes 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 10.** 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, environmental audits, and all other costs necessary for acquisition of the property.

**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 design, engineering and construction services necessary for the Improvement.

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

**Section 12.** That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 13.** That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from the fund or funds to which are credited any proceeds from the sale of 2011 general obligation bonds authorized by Ordinance No. 130-11, passed February 14, 2011, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any other funds appropriated by the Director of Finance for this purpose.

**Section 14.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 15.** 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, Public Works, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 746-11.**

**By Council Member Sweeney (by departmental request).**

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

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

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

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

<b>Claimant:</b>	<b>Claim No.</b>	<b>Amount</b>	<b>Division</b>	<b>Fund</b>
<b>Department of Building and Housing</b>				
Parker, Kim	12156	\$10,000.00	Building & Housing	01-800501-672000
Nguyen, Sam, Rep., Vietnamese Buddhist Association of Cleveland	12302	\$ 3,500.00	Zoning and Permits	01-800501-672000
<b>Department of Public Safety — House of Corrections</b>				
Johnson, Chris	12299	\$ 261.47	City Jail	01-600701-672000
Shenett, Willie J.	12300	197.00	City Jail	01-600701-672000
Alicia, Jeremi J.	12312	161.00	City Jail	01-600701-672000
Blackmon, Bobby	12316	50.00	City Jail	01-600701-672000
<b>Department of Public Safety — Fire</b>				
Tarrify Properties	12305	\$ 1,000.00	Fire	01-600302-672000
<b>Department of Public Safety — Police</b>				
Stark, Linda	12223	\$ 350.00	Police	01-600202-672000
Smith, Cleophas	12303	750.00	Police	01-600202-672000
Hough, Leonard	12307	750.00	Police	01-600202-672000
<b>Department of Public Works — Vacant Lots</b>				
Lydia Ebert DBA East West Properties	12206	\$ 500.00	Vacant Lots	01-701205-672000
<b>Department of Public Works — Urban Forestry</b>				
Pickering, Debra	12260	\$ 500.00	Urban Forestry	01-701204-672000
Golics Bar & Grill	12283	1,000.00	Urban Forestry	01-701204-672000
Martin, Darlene	12309	193.41	Urban Forestry	01-701204-672000
<b>Department of Public Works — Waste</b>				
Charles Stone, Agent for Wynmar Building, LLC.	12297	\$ 1,000.00	Waste Collection	01-400303-672000
Gannon, Deborah	12315	158.00	Waste Collection	01-400303-672000

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

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

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

**Ord. No. 747-11.**

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

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to identify and resolve water quality problems in the treatment plants or in the distribution system, for a period of one year, with two one-year options to renew, the second of which is exercisable through additional legislative authority.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to 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 identify and resolve water quality problems in the treatment plants or in the distribution system, including but not limited to treatment process optimization, compliance planning for new drinking water regulations,

operational evaluations, water quality and operational data analysis, demonstration studies, design, or regulatory determinations, and other related engineering services, for a period of one year, with two one-year options to renew, the second of which is exercisable through additional legislative authority.

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

pensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2011-89.

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

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

**Ord. No. 748-11.**

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

**An emergency ordinance determining the method of making the public improvement of constructing new and installing replacement security bollards and making other related improvements at the Main Terminal upper and lower roadways at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into one or more public improvement requirement contracts for the making of the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing new and installing replacement security bollards and making other related improvements at the Main Terminal upper and lower roadways at Cleveland Hopkins International Airport, for the Department of Port Control, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

**Section 2.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is

made for the requirements for the entire term.

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

**Section 4.** That the costs of the contract or contracts or other expenditures shall be paid from the sale of any future airport revenue bonds and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 3001, RL 2011-11)

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

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

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

**Ord. No. 749-11.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts for construction and demolition debris disposal services, for the Division of Waste Collection and Disposal, Department of Public Works.**

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

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

**Section 1.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one or two years, for the necessary items of construction and demolition debris disposal services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids

for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Works is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Works by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Works.

**Section 2.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Works. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

**Section 3.** That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 4003, RL 2011-22)

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

**BID GUARANTY AND CONTRACT BOND**

KNOW ALL MEN BY THESE PRESENTS, that we the \_\_\_\_\_

(Name and Address) \_\_\_\_\_ as Principal and \_\_\_\_\_

(Name of Surety) \_\_\_\_\_ as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on \_\_\_\_\_ (date) to undertake the project known \_\_\_\_\_

The penal sum referred to herein shall be \_\_\_\_\_ For the \_\_\_\_\_

payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

PRINCIPAL: \_\_\_\_\_ SURETY: \_\_\_\_\_

BY: \_\_\_\_\_ BY: \_\_\_\_\_ Attorney-in-Fact

TITLE: \_\_\_\_\_

SURETY COMPANY ADDRESS:

Street

City State ZIP

SURETY AGENT'S ADDRESS:

Agency Name

Street

City State ZIP

"Exhibit A"

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

Ord. No. 750-11. By Council Members K. Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Works to employ one or more professional consultants to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed one year.

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

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

Section 1. That the Director of Public Works is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed one year.

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

lic Works, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2011-64.

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

Referred to Directors of Public Works, Finance, Law; Committees on Public Parks, Property, and Recreation, Finance.

Ord. No. 751-11. By Council Members K. Johnson, Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, aluminum, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, and receiving scrap aluminum sign blank credit, for the Division of Traffic Engineering, Department of Public Works.

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

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

Section 1. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, aluminum, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, and receiving scrap aluminum sign blank credit, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. Under Section 181.15 of the Codified Ordinances of Cleveland, Ohio, 1976, the contract or contracts may include a trade-in allowance for the aluminum sign blanks. The Director of Public Works is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the

Director of Public Works by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 4007, RL 2011-23)

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

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

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

**Ord. No. 752-11.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2011-12 Childhood Lead Poisoning Prevention Program; and to enter into contract with the Ohio Department of Health for performance of environmental assessments of the residences of Medicaid-eligible children.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$100,000 and any other funds that may become available during the grant term, from the Ohio Department of Health to conduct the 2011-12 Childhood Lead Poisoning Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 752-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

**Section 3.** That the Director of Public Health is authorized to enter into contract with the Ohio Department of

Health, under which the City will perform environmental assessments for lead hazards in residences occupied by Medicaid-eligible children during the grant term. The contract shall provide that the City will receive compensation for performing the assessments in the estimated amount of \$50,000. The Director of Finance is authorized to receive and accept the compensation on behalf of the City and the Director of Public Health is authorized to sign the documents necessary to enter into the contract.

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

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

**Section 6.** That the Director of Public Health is authorized to charge and accept fees for analyzing blood samples at the Lead Lab from participants of this program, in the estimated amount of \$50,000, and to deposit those fees into a revolving fund which will be used to provide additional services under the program described in the file, and the funds are appropriated for that purpose.

**Section 7.** That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds, the Lead Lab fee for analyzing blood samples, and from the Medicaid reimbursements accepted under this ordinance.

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

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

**Ord. No. 753-11.**

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

**An emergency ordinance authorizing the Director of Public Safety to lease property known as 23600 Mercantile Road, Unit J, from Mercantile Associates for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections, for a term not to exceed one year, with one option to renew for an additional one year period, exercisable by the Director of Public Safety.**

Whereas, the City of Cleveland requires certain space located at 23600 Mercantile Road, Unit J, in Beachwood, Ohio, and up to ten parking spaces, and the non-exclusive use of common parking and loading areas, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections; and

Whereas, Mercantile Associates has proposed to lease the space to the City of Cleveland; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is authorized to lease from Mercantile Associates certain space more fully described as follows: approximately 5,400 square feet of space located at 23600 Mercantile Road, Unit J, Beachwood, Ohio, and up to ten parking spaces ("Leased Premises").

**Section 2.** That the term of the lease shall not exceed one year, beginning April 1, 2011, with one option to renew for an additional one year period, exercisable by the Director of Public Safety.

**Section 3.** That the rent for the lease shall be a base rate of \$3,400 per month, which includes utilities, operating costs, and the City's portion of maintenance costs for the non-exclusive use of common areas at 23600 Mercantile Road.

**Section 4.** That the lease may authorize the City to make improvements to the Leased Premises under terms to be determined by the parties consistent with the public purpose or purposes of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

**Section 5.** That the lease may provide that the City shall have non-exclusive use of common parking and loading areas at 23600 Mercantile Road.

**Section 6.** That the costs of the lease shall be paid from Fund No. 01-600702-636000, and from the funds budgeted in 2012 and approved for this purpose, Request No. RQS 6007, RL 2011-85.

**Section 7.** That the lease shall be prepared by the Director of Law.

**Section 8.** That the Directors of Public Safety and Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

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

**Ord. No. 754-11.**

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

**An emergency ordinance authorizing the Director Economic Development to accept a gift of computers from the Cleveland Citywide Development Corporation, for the Department Economic Development.**

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 accept a gift of computers,



valued up to \$35,000, from the Cleveland Citywide Development Corporation, for use in the Department of Economic Development.

**Section 2.** That, notwithstanding Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, the computers to be replaced in the Department of Economic Development shall be given to the Department of Building and Housing.

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

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

**Ord. No. 755-11.**

**By Council Member Dow.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street and 1827 East 79th Street to Alvin R. Sharp.**

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

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

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

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

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

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

P. P. Nos. 119-01-006 (part of) and 119-01-007 (all of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being part of Sublot No. 5 and all of Sublot No. 6 in the Lucretia M. Holt's Subdivision of Eliza Hough and others' Subdivision of part of Original One Hundred Acre Lot Nos. 391 and 392 as recorded in Plat Volume 5, Page 29 of the Cuyahoga County Plat Records and being further bounded and described as follows:

Beginning at a point in the centerline intersection of Hough Avenue, 66 foot R/W and East 79th Street, 50 foot R/W, said point being referenced by a stone monument with drill hole found South 00° 14' 26" East at a distance of 5.00 feet along the centerline of said East 79th Street;

Thence South 00° 14' 26" East, along the centerline of said East 79th

Street, a distance of 240.00 feet to a point;

Thence North 89° 20' 35" East, a distance of 25.00 feet to an iron pin set in the Easterly R/W of said East 79th Street and being the principal place of beginning;

Course I: Thence North 89° 20' 35" East, passing through an iron pin set at a distance of 204.00 feet, a total distance of 207.00 feet to a point, said point being the Westerly line of land conveyed of John Jundy as recorded in AFN# 00704826 of the Cuyahoga County Deed Records,

Course II: Thence South of 00 14' 26" East, along the Westerly line of said Jundy and the Westerly line of lands conveyed to Triangle Development Inc. as recorded in AFN# 199001080376, passing through an iron pin set at a distance of 3.00 feet, a distance of 90.00 feet to an iron pin set in the Original Lot line of Lot Nos. 391 and 399, said point being in the Northerly line of lands conveyed to the City of Cleveland LB 80 as recorded on May 28, 1981 per the Cuyahoga County Records Department, Deed Volume and Page unknown;

Course III: Thence South 89° 20' 35" West, along said Lot Line and the Northerly line of said City of Cleveland LB 80, a distance of 207.00 feet to an iron pin set in the Easterly R/W of said East 79th Street, said point being the Northwesterly corner of said City of Cleveland LB 80;

Course IV: Thence North 00° 14' 26" West, along the Easterly R/W of said East 79th Street, a distance of 90.00 feet to the principal place of beginning.

Said parcel containing 0.4276 acres or 18,629 sq. ft. of land, be the same more or less, but subject to all legal highways as surveyed and described on January 2011 by Stan R. Loch, Ohio Registered Surveyor Number 8249. Bearings are per the centerline bearing of East 79 Street per the Fayne Assembly Plat as recorded in Plat Volume 275, Page 78 and are used to denote angles only. The intent of the above description is to combine the lands conveyed to the City of Cleveland LB 2006 as recorded in AFN#20061215809 and the lands conveyed to the City of Cleveland LB 2008 as recorded in AFN#200809080219 of the Cuyahoga County Deed Records after a 0.0475 acres split parcel. All iron pins set are 5/8" x 30" rebar capped "Aztech 8249".

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

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

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and bene-

fit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 756-11.**

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

**An emergency ordinance determining the method of making the public improvement of environmentally remediating and redeveloping the former Warner Swasey property located at 5701 Carnegie Avenue; and authorizing the Director of Economic Development to enter into one or more public improvement contracts for the making of the improvement.**

Whereas, under Ordinance No. 709-10, passed June 7, 2010, this Council authorized the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the remediation and redevelopment of the former Warner-Swasey Building at 5701 Carnegie Avenue; authorized a development agreement with Hemingway Development, LLC, or its designee, for the redevelopment of a portion of the property; and authorized the Commissioner of Purchases and Supplies to enter into an Option to Purchase Agreement with Hemingway Development, LLC, or its designee, for the portion of the property which is the subject of the development agreement; and

Whereas, under Ordinance No. 1567-10, passed December 6, 2010, this Council amended Ordinance No. 709-10 to, among other things, authorize other grant funding sources and authorize a professional services contract to provide technical support, environmental oversight, environmental assessment services, and any other services necessary to assess, remediate, and maintain the project site; and

Whereas, authority to enter into a public improvement contract to perform the remediation work and redevelopment of the property is necessary in order to remediate the property for redevelopment in accordance with the development and grant agreements authorized by Ordinance No. 709-10, as amended by Ordinance No. 1567-10; and

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of environmentally remediating and

redeveloping the former Warner Swasey property located at 5701 Carnegie Avenue, for the Department of Economic Development, 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 the Director of Economic Development 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 Economic Development is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 4.** That the cost of the improvement authorized shall be paid from the fund or funds to which are credited any grant funds received

under Ordinance No. 709-10, passed June 7, 2010, as amended by Ordinance No. 1567-10, passed December 6, 2010.

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

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

**Ord. No. 757-11.**

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

**An emergency ordinance authorizing the Director of Public Works to make alterations and modifications in Contract No. CT 4002, PI 2010-56 for the construction of a new Downtown bike station with EnviroCom Construction Inc., for the Department of Public Works.**

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

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

**Section 1.** That the Director of Public Works is authorized to make the following alterations and modifications in Contract No. CT 4002, PI 2010-56 with EnviroCom Construction Inc. for the construction of a new Downtown bike station, for the Department of Public Works:

Subsidiary Additions:

1) Installation of spray insulation on the existing concrete deck to meet OBC and LEED energy requirements	\$27,859.31
2) Fees to retain an independent Commissioning Authority to review and submit LEED application and to review the Installation of the HVAC system	\$ 3,045.00
3) Supplement to General Contingency	<u>\$ 3,095.69</u>
TOTAL SUBSIDIARY ADDITIONS	\$34,000.00

Original Contract Amount	\$594,600.00
Total Subsidiary Additions	<u>+ 34,000.00</u>
<b>REVISED CONTRACT AMOUNT</b>	<b>\$628,600.00</b>

which alteration has been recommended in writing by the Director of Public Works, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Works and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$34,000 to be paid from Fund Nos. 20 SF 381 and 20 SF 524, RQS 0110, RL 2011-122.

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

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

**Ord. No. 758-11.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69197 with RW Armstrong, Inc. to provide professional environmental assessment, design, and construction administrative services for the Runway 28 Localized Shelter Replacement and Runway Threshold Relocation Project and related tasks, for the Department of Port Control.**

Whereas, under the authority of Ordinance No. 186-07, passed March 12, 2007, the Director of Port Control entered into Contract No. 69197 with RW Armstrong, Inc. to provide professional environmental assessment, design, and construction administrative services for the Runway 28

Localized Shelter Replacement and Runway Threshold Relocation Project and related tasks; and

Whereas, Ordinance No. 186-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69197 for an additional year with RW Armstrong, Inc. to provide professional environmental assessment, design, and construction

administrative services for the Runway 28 Localized Shelter Replacement and Runway Threshold Relocation Project and related tasks. This ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 to exercise this option.

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

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

**Ord. No. 766-11.**

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

**An emergency ordinance to amend the title, the second whereas clause, and Section 6 of Ordinance No. 1780-05, passed January 9, 2006, relating to the establishment of the Steelyard Commons Urban Redevelopment Tax Increment Equivalent Fund; and to supplement the ordinance by adding new Sections 6a., 6b., and 6c., relating to authorizing grants.**

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

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

**Section 1.** That the title, the second whereas clause, and Section 6 of Ordinance No. 1780-05, passed January 9, 2006, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Steelyard Commons LLC, to provide for payments to the Cleveland City School District and to provide for the creation of the Steelyard Commons TIF Fund to be used for development and recreational improvements; to declare certain improvements to real property to be a public purpose; and **authorizing the Director to enter into grant agreements with various entities for retail assistance and other commercial and industrial initiatives.**

Whereas, this under the authority of Ordinance No. 1541-05, passed October 17, 2005, and prior to the passage of this ordinance, the City approved both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

Section 6. That under Section 5709.43 of the Revised Code there is hereby established a Steelyard Commons Urban Redevelopment Tax Increment Equivalent Fund ("Steelyard Commons TIF Fund"). **Seventy percent (70%) of the fund shall be used for acquisition of land and to make improvements to the Tow Path Trail and Canal Basin Park, and any remaining funds shall be used for additional connector trails. The remaining thirty percent (30%) shall be used to provide grants for retail assistance and other commercial and industrial initiatives described in this ordinance for neighborhoods listed in the "Big Box Centers and Neighborhood Business Districts: Impact Analysis and Competitive Strategy" Study completed on November 21, 2006 by MJB consulting.**

**Section 2.** That the existing title, the second whereas clauses and Section 6 of Ordinance No. 1780-05, passed January 9, 2006, are repealed.

**Section 3.** That Ordinance No. 1780-05, passed January 9, 2006, is supplemented by adding new Sections 6a., 6b., and 6c., to read as follows:

Section 6a. That the Director of Economic Development is authorized to enter into grant agreements with various entities for retail assistance programs and other commercial and industrial initiatives, including land acquisition, within the City. The grants will be used primarily for projects that offset the impacts of Steel-

yard Commons on adjacent neighborhood commercial districts, and use of these funds will be guided by the previously approved retail impact study. The grants will be disbursed annually, on a competitive basis, under criteria established by this Council and the Cleveland Citywide Development Corporation (CCDC). The grants will be authorized when approved by the Cleveland Citywide Development Corporation and the Mayor, and the Council Member in whose ward the project is located. Approval of the Council Member will be demonstrated by a letter of support for the project. Projects in the following categories will be eligible:

**Neighborhood Retail:** Parking lots, interior improvements of retail locations and other costs that are not funded by the Storefront Renovation Program. Projects should apply first for Storefront and NRAP funding and only apply for remaining gaps in total projects costs.

**Neighborhood Small and Start-up Businesses:** to assist with small business expansion, refine business plans, assist entrepreneurs to "get out of the garage and into a storefront," etc.;

**Neighborhood Arts Projects:** projects that enhance a neighborhood commercial/retail district;

**Neighborhood Streetscape:** in neighborhood commercial/residential districts;

**Neighborhood Industrial Sites:** planning, environmental site assessments, etc., of underused and/or abandoned neighborhood industrial sites; and

**Land Acquisition:** to support commercial development adjacent to the Tow Path Trail.

Section 6b. That the costs of the grant shall be paid from Fund No. 17 SF 032.

Section 6c. That the agreements and other appropriate documents needed to complete the grant transactions authorized by this legislation shall be prepared by the Director of Law.

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

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

**Ord. No. 774-11.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into contract with SDC University Circle Developer LLC, or its designee, to provide development assistance to partially finance the construction of a Courtyard by Marriott hotel at 2021 Cornell Road, and certain other costs necessary to redevelop the property.**

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public

interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation on May 19, 2011; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; 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, provided that the project meets the requirements for projects under Chapter 165 of the Revised Code, the Director of Economic Development is authorized to enter into contract with SDC University Circle Developer LLC, or its designee, to provide development assistance to partially finance the construction of a Courtyard by Marriott hotel at 2021 Cornell Road, and certain other costs necessary to redevelop the property.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 774-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the cost of the contract shall not exceed \$780,621.00, and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. RQS 9501, RL 2011-127.

**Section 4.** That the Director of Economic Development is authorized to accept such collateral as set forth in the file referenced above 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 5.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

**Section 6.** 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 7.** 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 8.** 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 9.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the mem-

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

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

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

**Ord. No. 738-11.**

**By Council Member Pruitt and Sweeney (by departmental request).**

**An emergency ordinance approving the collective bargaining agreement with the IBEW, Local 39; and to amend Section 24 of Ordinance No. 947-08, passed June 9, 2008, relating to compensation for various classifications.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the IBEW, Local 39, under the terms contained in File No. 738-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

\* Wage increases shall be effective as follows:

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

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

**Section 2.** That Section 24 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1009-08, passed July 2, 2008, Ordinance No. 316-09, passed March 16, 2009, Ordinance No. 408-09, passed March 30, 2009, and Ordinance No. 1041-10, passed August 18, 2010, is amended to read as follows:

**Section 24. International Brotherhood of Electrical Workers, AFL-CIO, Local 39.** That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Apprentice Cable Splicer.....	22.22	24.89
2. Apprentice Lineman.....	22.39	25.07
3. Cable Foreman.....	31.45	33.25
4. Cable Splicer.....	17.46	27.87
5. Cable Splicer Helper.....	20.44	24.24
6. Cable Splicer I.....	28.15	29.82
7. Cable Splicer II.....	17.14	27.35
8. Dispatcher Electric System Operator.....	26.52	28.91
9. Electric Meter Industrial Installer.....	28.05	29.71
10. Electric Meter Instrument Specialist and General Tester.....	28.37	30.04
11. Electric Meter Service Foremen.....	31.45	33.25
12. Electric Meter Service Installer I.....	26.12	28.24
13. Electric Meter Service Installer II.....	24.35	25.86
14. Electric Meterman Apprentice.....	21.91	24.52
15. Electric Motor and Transformer Repairman.....	17.38	27.70
16. Electric Switchboard Operator Foreman.....	31.45	33.25
17. Electric Transmission and Distribution Inspector.....	28.15	<b>31.38</b>
18. Foreman Low Tension.....	30.91	32.68
19. Gas Turbine Mechanic.....	17.38	28.23
20. Gas Turbine Mechanic Apprentice.....	22.22	24.89
21. Intern Apprentice.....	10.00	31.38
22. Junior Electric Switchboard Operator.....	22.36	23.80
23. Line Clearance Man.....	22.00	24.72
24. Line Foreman.....	31.45	34.03
25. Line Helper Driver.....	17.73	24.25
26. Line Switchman.....	30.16	32.69
27. Leader Lineman Low-Tension.....	29.99	31.73
28. Lineman.....	28.15	29.82
29. Lineman Leader.....	26.27	27.86
30. Low Tension Lineman.....	29.99	31.73
31. Low Tension Lineman Apprentice.....	21.95	24.19

32.	Low Tension Trouble Lineman.....	29.40	31.11
33.	Police Division Trouble Lineman.....	19.19	30.56
34.	Safety Signal Trouble Lineman .....	19.19	30.56
35.	Senior Cable Splicer.....	29.65	31.38
36.	Senior Electric Switchboard Operator.....	24.63	26.16
37.	Senior Lineman.....	29.65	31.38
38.	Signal System Powerman .....	19.54	31.12
39.	Telecommunications Technician .....	29.40	31.11
40.	Traffic Signal Control Technician.....	31.11	32.90
41.	Traffic Signal Control Technician 2 .....	30.60	32.36
42.	Transformer Repairman Foreman.....	31.45	33.25
43.	Trouble Lineman.....	29.65	32.42
44.	Underground Conduit Foreman .....	31.45	33.25

**Section 3.** That Section 24 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1009-08, passed July 2, 2008, Ordinance No. 316-09, passed March 16, 2009, Ordinance No. 408-09, passed March 30, 2009, and Ordinance No. 1041-10, passed August 18, 2010, is amended to read as follows:

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

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

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

**Ord. No. 739-11.**  
**By Council Member Pruitt and Sweeney (by departmental request).**  
**An emergency ordinance approving the collective bargaining agreement with the Local 100, AFSCME Ohio Council 8.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Local 100, AFSCME Ohio Council 8, under the terms contained in File No. 739-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

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

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

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

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

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

**Ord. No. 740-11.**  
**By Council Member Pruitt and Sweeney (by departmental request)**  
**An emergency ordinance approving the collective bargaining agreement with the Service Equipment Employee Union (SEME), Local 1.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Service Equipment Employee Union (SEME), Local 1, under the terms contained in File No. 740-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

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

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

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

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

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

**Ord. No. 741-11.**  
**By Council Members Conwell, Brancatelli, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance to amend Section 1 of Ordinance No. 189-11, passed March 21, 2011, relating to the acquisition and re-conveyance of property presently owned by SDC University Circle Developer LLC, or its designee, located at 2021 Cornell Road for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation and authorizing an agreement with SDC University Circle Developer LLC, or its designee.**

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

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

**Section 1.** That Section 1 of Ordinance No. 189-11, passed March 21, 2011, is amended to read as follows:

**1.4924 ACRE PARCEL OF LAND**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Numbers 189 through 192, 194, and 195, and all of Sublot Numbers 193, 196, and 197 in Knight and Richardson's Subdivision of part of Original One Hundred Acre Lot Number 403, as shown on the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and a part of Permanent Parcel Number 121-01-008;

Commencing at a stone monument with double drill holes found, (southerly drill hole used), at the center line intersection of Cornell Road, 60 feet wide, and Euclid Avenue, 100 feet wide, of which said monument bears South 42°52'23" West, and passing over a drill hole in monument found, 0.07 feet (East), at the center line intersection of said Euclid

Avenue and Mayfield Road, 84 feet wide and varies, a distance of 202.85 feet therefrom, a total distance of 324.08 feet to a one inch iron pin monument found at the center line intersection of Euclid Avenue, 100 feet wide, and Ford Drive, 55 feet wide; thence South 47°03'17" East along the center line of Cornell Road, a distance of 49.96 feet to a point therein; thence North 42°52'43" East, a distance of 30.00 feet to the northeasterly line of Cornell Road, 60 feet wide at its intersection with the southeasterly line of Euclid Avenue, 100 feet wide, and the southwesterly corner of land now or formerly owned by University Circle East LLC, an Ohio limited liability company, Permanent Parcel Number 121-01-001, as recorded by AFN 200309181629 of Cuyahoga County Deed Records, said point also being the TRUE POINT OF BEGINNING for the land hereinafter described, thence clockwise along the following thirteen courses and distances:

1. Thence North 42°52'23" East along the southeasterly line of Euclid Avenue, as widened and recorded in Volume 4855, Pages 482-485 of Cuyahoga County Records, a distance of 93.22 feet to a point of curvature;
2. Thence continuing along the southeasterly line of Euclid Avenue, and along the arc of a curve deflecting to the right and having a radius of 170.55 feet, a central angle of 45°59'23", a tangent of 72.38 feet, a chord of 133.25 feet which bears North 65°52'06" East, a distance of 136.90 feet to a point of tangency on the southerly line of Mayfield Road, 84 feet wide and varies, as widened and recorded in Volume 4855, Pages 482-485 of Cuyahoga County Records;
3. Thence North 88°51'48" East along the southerly line of Mayfield

Road, a distance of 26.19 feet to an angle point;

4. Thence North 01°08'12" West continuing along the southerly line of Mayfield Road, a distance of 10.00 feet to an angle point;

5. Thence North 88°51'48" East continuing along the southerly line of Mayfield Road, a distance of 60.73 feet to a point of curve;

6. Thence continuing along the southerly line of Mayfield Road, as widened and recorded in Volume 227, Page 87 of Cuyahoga County Records, and along the arc of a curve deflecting to the left and having a radius of 202.00 feet, a central angle of 19°50'57", a tangent of 35.34 feet, a chord of 69.63 feet which bears South 81°12'45" East, a distance of 69.98 feet to a point of tangency;

7. Thence North 88°51'48" East continuing along the southerly line of Mayfield Road, a distance of 19.45 feet to a point therein, and the northwesterly corner of Block "A", as recorded in Volume 264, Page 56 of Cuyahoga County Records;

8. Thence South 01°08'12" East along the westerly line of said Block "A", a distance of 138.00 feet to an angle point, and the northeasterly corner of land now or formerly owned by University Hospitals of Cleveland, Permanent Parcel Number 121-01-031, as recorded in Volume 577, Page 32 of Cuyahoga County Deed Records;

9. Thence South 88°51'48" West along the northerly line of Permanent Parcel Number 121-01-031, a distance of 41.96 feet to an angle point;

10. Thence North 01°08'12" West continuing along the northerly line of Permanent Parcel Number 121-01-031, a distance of 0.48 feet to an angle point;

11. Thence South 72°23'29" West continuing along the northerly line of

Permanent Parcel Number 121-01-031, a distance of 9.47 feet to an angle point, and the northwesterly corner thereof;

12. Thence South 42°52'23" West along the westerly line of Permanent Parcel Number 121-01-031, a distance of 200.00 feet to the northeasterly line of aforementioned Cornell Road, 60 feet wide;

13. Thence North 47°03'17" West along the northeasterly line of Cornell Road, 60 feet wide, a distance of 239.98 feet to the True Point of Beginning, and containing 1.4924 acres (65,011 square feet) of land, more or less, as surveyed under the supervision of Joseph R. Ciuni, P.S. Number 7394, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in May of 2011. Basis of Bearing: State Plane Grid North NAD83 (NSRS2007), Ohio North Zone.

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

**Section 2.** That existing Section 1 of Ordinance No. 189-11, passed March 21, 2011, is repealed.

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

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

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

**Ord. No. 742-11.**

**By Council Member Sweeney.**

**An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 908-10, passed July 14, 2010, relating to fees for publications and services.**

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

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

**Section 1.** That Section 113.12 of the Codified Ordinances of the City of Cleveland, 1976, as amended by Ordinance No. 908-10, passed July 14, 2010, is hereby amended to read as follows:

**Section 113.12 Fees for Publications and Services**

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance parts reflecting certain code sections passed by Cleveland City Council complete through June 10, 2003, an edition of the City Charter complete through December 31, 2008, and editions of Parts I, V, and VI, complete through December 31, 2009:

<b>Unit</b>	<b>Cost</b>
Charter	\$ 6.02
Part I. Administrative Code	\$ 11.17
Part II. Health Code	\$ 17.04
Part IIIA. Land Use Code, Planning and Housing	\$ 14.94
Part IIIB. Zoning Code	\$ 10.40
Part IIIC. Land Use Code, Housing Code	\$ 14.25
Part IIID. Land Use Code, Fire Prevention Code	\$ 19.60
Part IIIE. Building Code	\$ 10.40
Part IV. Traffic Code	\$ 14.37
Part V. Municipal Utilities and Services Code	\$ 9.85
Part VI. Offenses and Business Activities Code	\$ 11.05
Complete Set	<b>\$139.10</b>

A complete set of the Codified Ordinances includes the Charter and all Parts **noted above**. The General Index, User's Guide, tabbed dividers and binder, **can be made available at an additional cost.**

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinances, which shall incorporate all legislative changes enacted by Cleveland City Council during the previous 12 months.

(c) The Clerk of Council is hereby authorized to collect the following fees for the supplement to the Codified Ordinances containing amendments passed by City Council from **January 1, 2010 through December 31, 2010:**

Supplement Unit	Cost
<b>Part I.</b>	<b>\$ 24.37</b>
<b>Part IIIB.</b>	<b>\$ 24.67</b>
<b>Part VI.</b>	<b>\$ 24.36</b>
<b>Complete Bound cumulative supplement (Charter &amp; all parts)——</b>	<b>\$278.00</b>

(d) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications and other documents.

(e) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(f) All fees collected in accordance with divisions (a) and (c) of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

**Section 2.** That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 908-10, passed July 14, 2010, is hereby repealed.

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

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

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

**Ord. No. 743-11.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Thunder Tech for the professional services necessary to provide a software solution to update, customize and implement a Cleveland City Council website and to create a Council Intranet site.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into an agreement with Thunder Tech for the professional services necessary to provide a software solution to update, customize and implement a Cleveland City Council website and to create a Council Intranet site.

The cost of all services under this agreement shall not exceed \$30,000 and shall be paid for from fund 11-006.

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

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

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

**Ord. No. 744-11.**

**By Council Member Mitchell.**

**An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Hattie Tindall to engage in peddling in Ward 6.**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prereq-

uisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of Hattie Tindall to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow Hattie Tindall peddle in Ward 6; and

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

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

**Section 1.** That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Hattie Tindall to engage in mobile peddling in the public rights of way of Ward 6 at 3300-3308 East 93rd Street.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted may be revoked at any time by this Council.

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

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

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

**Ord. No. 759-11.**

**By Council Member Polensek.**

**An emergency ordinance designating the intersection of East 174th Street and Nottingham Road by St. John's Lutheran Church with a secondary and honorary designation of "Pastor Walther Marcis Way."**

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 intersection of East 174th Street and Nottingham Road by St. John's Lutheran Church is designated with a secondary and honorary designation of "Pastor Walther Marcis Way."

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 passage.

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

**Ord. No. 760-11.**

**By Council Member Polensek.**

**An emergency ordinance designating the intersection of Waterloo Road and East 156th Street with a secondary and honorary designation of "Miles Kennedy Square."**

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 intersection of Waterloo Road and East 156th Street is designated with a secondary and honorary designation of "Miles Kennedy Square."

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force im-

diately 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 passage.

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

**Ord. No. 761-11.**

**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 Gordon Square Arts District Community Event 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 be authorized to enter into an agreement with the Detroit Shoreway Community Development Organization for the Discover Gordon Square Arts District Community Event for the public purpose of providing arts education, urban gardening programs and housing rehabilitation information for city of 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 \$10,000 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

**Ord. No. 762-11.**

**By Council Member Dow.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Famicos Foundation for the Fatherhood Action Initiative and Training Haven Project through the use of Ward 7 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 be authorized to enter into an agreement with the Famicos Foundation for the Fatherhood Action Initiative and Training Haven Project for the public purpose of providing instructional programming and education on the development of fatherhood skills and healthy father and child interaction for residents residing in the city of Cleveland through the use of Ward 7 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

**Ord. No. 764-11.**

**By Council Member Keane.**

**An emergency ordinance authorizing the Director of Port Control to enter into a lease with the USS Cod or its designee for use of parking Lots 9 and 10.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a lease with the USS Cod or its designee for use of parking Lots 9 and 10 for a period of 6 months beginning June 1, 2011. That the lease shall contain all such other provisions that the Director of Law deems appropriate.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 765-11.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Director of Finance to enter into an agreement with Cleveland Community Access Corporation for management of public access channels.**

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

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

**Section 1.** That the Director of Finance is authorized to enter into an agreement with Cleveland Community Access Corporation ("CCAC") for CCAC's management of public access channels.

**Section 2.** That the agreement shall not exceed \$200,000 and shall be paid from the fund or funds designated by the Director of Finance and appropriated for this purpose.

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

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

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

**Ord. No. 771-11.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into a professional services agreement with Francesca Piccirillo to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into a professional services agreement with Francesca Piccirillo to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business, as may be directed by the Clerk or her designees. The agreements shall begin June 1, 2011 and terminate August 31, 2011. The individuals shall be paid on an hourly basis in an amount not to exceed 10.00 per hour and shall be certified from fund numbers 632000-01-010100 and/or Fund No. 10 SF 166.

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

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

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



**Ord. No. 781-11.****By Council Member Brady.**

**An emergency ordinance authorizing and directing the director of Public Service to issue a permit to the Halloran Park Summer Concert Club to stretch banners at West 117th (westside); 5 poles at Halloran Park, W. 117th (eastside); 3 poles at corner of Thrush & W. 117th; 3575 W. 117th; and corner of Dale & West 117th; for the period of time from July 4, 2011 to August 2, 2011, inclusive, publicizing the Summer Concert at Halloran Park.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Halloran Park Summer Concert Club to stretch banners at West 117th (westside); 5 poles at Halloran Park, W. 117th (eastside); 3 poles at corner of Thrush & W. 117th; 3575 W. 117th; and corner of Dale & West 117th; for the period of time from July 4, 2011 to August 2, 2011, inclusive, publicizing the Summer Concert at Halloran Park; inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as to not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

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

**Res. No. 763-11.****By Council Member Sweeney.**

**An emergency resolution fixing the 2011 summer schedule of meetings of the Council of the City of Cleveland.**

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

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

**Section 1.** That the schedule of meetings during the 2011 summer months of the Council of the City of Cleveland is hereby fixed as follows:

July 20, 2011  
August 17, 2011

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 12, 2011.

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

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

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

**Res. No. 767-11.****By Council Member Cimperman.**

**An emergency resolution withdrawing objections to the renewal of a D5 and D6 Liquor Permit at 2325 Elm Street, and repealing Resolution Nos. 956-10 and 1111-10, objecting to said renewal.**

Whereas, this Council objected to a D5 Liquor Permit to 2325 Elm Street, Bar 3 & 4 by Resolution No. 956-10 adopted by the Council on July 14, 2010 and Resolution No. 1111-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objections to a D5 Liquor Permit to Metropolis Night Club, Inc., 2325 Elm Street, Bar 3 and 4, Cleveland, Ohio 44113, Permanent Numbers 5870816, 58708160003 and 58708160004 be and the same is hereby withdrawn and Resolution Nos. 956-10 and 1111-10, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 768-11.****By Council Member Cummins.**

**An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3180-84 West 25th Street, 1st floor and basement, and repealing Resolution No. 1122-10, objecting to said renewal.**

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 3180-84 West 25th Street, 1st floor and basement by Resolution No. 1122-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a D2, D2X, D3 and D3A Liquor Permit to Speakeasy Management, Inc., 3180-84 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 8412882 be and the same is hereby withdrawn and Resolution No. 1122-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 769-11.****By Council Member Kelley.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 6101 Memphis Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Cal Ger, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1184084 to Memphis Station, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 5830264; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Cal Ger, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1184084 to Memphis Station, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 5830264; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 770-11.**

**By Council Member Cimperman.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 2101 Denison Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Ridas Deli, Inc., 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, Permanent Number 7363142 to Denison, LLC, 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, Permanent Number 2166600; and

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

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

ordinances of this state or any other state; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Ridas Deli, Inc., 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, Permanent Number 7363142 to Denison, LLC, 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, Permanent Number 2166600; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 772-11.**

**By Council Members Zone, Brancatelli, Cleveland, Cummins, Westbrook and Cimperman.**

**An emergency resolution supporting the Safe and Complete Streets Act of 2011, H.R. 1760.**

Whereas, last week, Congressional Representatives Steve LaTourette and Doris Matsui introduced the Safe and Complete Streets Act of 2011, H.R. 1780, a bill requiring that new street and transportation projects undertaken by state departments of transportation and metro-

politan planning organizations ("MPOs") be designed with "pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, motorists, and freight vehicles" in mind; and

Whereas, H.R. 1780 calls for consideration of the "safety and convenience" of all users in "all phases of project planning and development"; and

Whereas, currently, 23 states, the District of Columbia, Puerto Rico and more than 2,000 regional and local communities have adopted some form of Complete Streets policies to enhance public safety, lower transportation costs and promote walking, bicycling and public transit as sustainable alternatives; and

Whereas, this legislation would require that states and MPOs craft and adhere to a Complete Streets policy, under the guidance of the U.S. DOT, which would apply to all federally funded projects; and

Whereas, the Complete Streets effort requires communities to plan roadways and transportation corridors to accommodate all potential uses and transportation modes and plan for the elderly, handicapped and children, in addition to public transit, cars and trucks; and

Whereas, the City of Cleveland is researching and will soon introduce Complete Streets legislation to improve Bike and pedestrian access and improve mobility on street, streetscape and bridge improvement projects; 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 Safe and Complete Streets Act of 2011, H.R. 1780.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to all members Congress representing northeast Ohio and Cuyahoga County.

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

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

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

**Res. No. 773-11.**

**By Council Member Cummins.**

**An emergency resolution objecting to a New C1 Liquor Permit at 3474 West 25th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at West 25th Gas & Go, Inc., 3474 West 25th Street, Cleveland, Ohio 44109, Permanent Number 9526240; 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 West 25th Gas & Go, Inc., 3474 West 25th Street, Cleveland, Ohio 44109, Permanent Number 9526440, 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. 1630-10.

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

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with MetroHealth System for contributions by

the City regarding the use by the Division of Emergency Medical Service of all or part of two bases located at MetroHealth Medical Center to provide emergency medical services for the City of Cleveland, for a period of two years, with five two-year options to renew, exercisable by the Director of Public Safety.

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

1. In the title, strike line 10 in its entirety and insert the following: **"the first, third, and fifth of which are exercisable through additional legislative authority."**

2. In Section 1, strike lines 7 and 8 in their entirety and insert the following: **"two years, with five two-year options to renew. The first of the two-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the two-year options to renew is exercised, then the second of the two-year options to renew may be exercisable at the option of the Director of Public Safety, without the necessity of obtaining additional authority of this Council. The third of the two-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the third of the two-year options to renew is exercised, then the fourth of the two-year options to renew may be exercisable at the option of the Director of Public Safety, without the necessity of obtaining additional authority of this Council. The fifth two-year option to renew may not be exercised without additional legislative authority."**

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. 215-11.

By Council Member Cummins. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4200 Poe Avenue to Carlos Caraballo and Rosario Caraballo.

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

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

### Ord. No. 216-11.

By Council Member Cummins. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3198 West 48th Street to Zuleyka Luciano.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read

third time in full. Passed. Yeas 18. Nays 0.

### Ord. No. 455-11.

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

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers, provide leadership training and conduct citywide tennis programs.

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

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

### Ord. No. 462-11.

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

An emergency ordinance to approve rates and charges for water service, and to amend various Sections of Chapters 531, 533, and 535 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal Sections 535.07 and 535.32, as amended by Ordinance No. 1092-59, passed April 27, 1959 and Ordinance No. 99566, passed May 22, 1933, relating to rates, fees, and charges for water and water-related services.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Legislation, Finance, when amended, as follows:

1. In Section 2, at amended Section 535.04(a)(1), in the table entitled "Fixed Charge\*" insert a new line before the rate for **"5/8" to 1" Meter** to read as follows:

	<b>\$12.50</b>	<b>\$12.50</b>
<b>"Homestead</b>	<b>\$12.50</b>	<b>\$17.00"</b>

2. In Section 2, at amended Section 535.04(g), line 2, strike **"July 1,"** and insert **"July 16,"**

3. In Section 2, at amended Section 535.06(q), line 2, strike **"July 1,"** and insert **"July 16,"**

4. Insert new Section 5 to read as follows:

**"Section 5. That the Director of Public Utilities shall provide reports to the Chair of the Public Utilities Committee and the Clerk of Council upon each meeting of the Administration's oversight committee reviewing the progress of the management consulting firm selected under Ordinance No. 138-11, passed January 31, 2011. The management consulting firm shall meet with the Public Utilities Committee at least once during the Spring and twice during the Fall session of Council throughout the entire term of their agreement."**

5. Renumber existing Section 5 to new **"Section 6"**.

Amendments agreed to.

Motion by Council Member Cummins to further amend Section 2 of Ordinance No. 462-11 by amending Section 535.05(b), lines 2 and 3, by striking "twenty percent (20%)" and inserting **"forty percent (40%)"**. Seconded by Council Member Pruitt.

Amendment agreed to.

The rules were suspended. Yeas 15. Nays 3.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cleveland, Conwell, Dow, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Westbrook and Zone.

Those voting nay: Council Members Cummins, J. Johnson and Reed.  
Absent: Council Member Cimperman.

Read second time. Read third time in full. Passed. Yeas 10. Nays 8.

Those voting yea: Council Members Sweeney, Brancatelli, Cleveland, K. Johnson, Kelley, Miller, Mitchell, Pruitt, Westbrook and Zone.

Those voting nay: Council Members Brady, Conwell, Cummins, Dow, J. Johnson, Keane, Polensek and Reed.

Absent: Council Member Cimperman.

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. 501-11.**

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

An emergency ordinance authorizing Cleveland Public Power to participate in the Efficiency Smart Power Plant energy efficiency program through American Municipal Power and approving customer charges to fund the program.

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

1. In the second whereas clause, strike "and" and in line 2, strike "Ohio" and insert "Ohio".

2. Strike Section 7 in its entirety and insert the following:

**"Section 7. That the cost of the three-year program shall not exceed \$5,000,000 and shall be paid from Fund No. 58 SF 001, from funds appropriated in 2012 and 2013 for this purpose, and from the Energy Adjustment Charge as authorized in Section 6 of this ordinance collected in 2011, 2012, and 2013 for this purpose. (RQS 2004, RL 2011-67)".**

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 2.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Reed, Westbrook and Zone.

Those voting nay: Council Members Polensek and Pruitt.

Absent: Council Member Cimperman.

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. 504-11.**

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

An emergency ordinance authorizing the Director of Public Works to enter into contract with the Salvation Army for administrating and facilitating recreational services in Ward 11, for the Division of Recreation, Department of Public Works.

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

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

**Ord. No. 528-11.**

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to perform a rate study for the Division of Cleveland Public Power, Department of Public Utilities.

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

1. In Section 1, at the end of the second paragraph, add the following: **"That upon completion of the rate study, the Director of Public Utilities shall submit copies of the study to the Clerk of Council and to the Chair of Public Utilities Committee within thirty days of receipt."**

Amendment agreed to.

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

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

**Ord. No. 557-11.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Kubra Data Transfer Ltd. for professional services necessary to provide online bill payment and bill presentation services, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year with three one-year options to renew, the second of which is exercisable through additional legislative authority.

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

1. In the title, strike lines 8, 9, 10, and 11 in their entirety and insert **"Utilities, for a period of one year."**

2. In Section 1, strike lines 5 through 12 in their entirety and insert **"period of one year. The contract or contracts shall be paid from Fund"**.

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. 559-11.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an amendment to Contract No. 69292 with Brown and Caldwell,

Inc. to perform additional energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a one year period.

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

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

**Ord. No. 596-11.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Kronos Incorporated for professional services necessary to maintain the current time and attendance work-force system and software and hardware support, for a period of one year with two one year options to renew, the second of which is exercisable through additional legislative authority.

Approved by Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance, when amended, as follows:

1. In the title, line 7; and in Section 1, line 4, after "support" insert **", including training and upgrades,"**

2. In Section 1, line 4, strike "proposal dated January 27, 2011" and insert **"proposals dated January 27, 2011 and May 4, 2011"**.

3. In Section 1, line 5, strike **"\$56,741.22"** and insert **"\$81,266.62"**.

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. 600-11.**

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

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

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Service, Finance, when amended, as follows:

1. In the second whereas clause, line 2, and in Section 1, line 3, strike **"\$80,000"** and insert **"\$92,000"**.

Amendment agreed to.

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

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

**Ord. No. 602-11.**

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

An emergency ordinance authorizing the Director of Human Resources to employ one or more professional

consultants to provide workers' compensation and actuarial services, for a period of one year, with a one-year option to renew, exercisable by the Director of Human Resources.

Approved by Directors of Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance, when amended, as follows:

1. In the title, at the end, strike the period and insert: "; and to extend Contract No. 69201 with Associated Compensation Resources, Inc. for a period up to three months."

2. Insert new Section 2 to read as follows:

**"Section 2. That the Director of Human Resources is authorized to extend Contract No. 69201 with Associated Compensation Resources, Inc. with the same terms and conditions for a period up to three months or until such time as the City enters into a new contract under Section 1 of this ordinance."**

3. In existing Section 2, line 1, strike "or contracts" and insert "contracts, and the extensions".

4. Renumber existing Sections 2 and 3 to new "Section 3" and "Section 4".

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. 632-11.**

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

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

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

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

**Ord. No. 633-11.**

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

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

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

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

**Ord. No. 634-11.**

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

An emergency ordinance appropriating Community Development Block Grant funds for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative

costs to implement the programs.

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

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

**Ord. No. 635-11.**

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

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

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

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

**Ord. No. 637-11.**

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

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

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

**Ord. No. 638-11.**

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

An emergency ordinance appropriating CDBG and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs; and authorizing the Director of Community Development to employ one or more professional consultants to provide property inspections in compliance with Section 8 Housing Quality Standards.

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

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

**Ord. No. 639-11.**

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

An emergency ordinance appropriating Community Development Block

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

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

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

**Ord. No. 640-11.**

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs.

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

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

**Ord. No. 641-11.**

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

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

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

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

**Ord. No. 642-11.**

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

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

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

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

**Ord. No. 643-11.**

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

An emergency ordinance authorizing the Director of Community Development

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

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

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

**Ord. No. 644-11.**

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

An emergency ordinance to amend Sections 1 and 5 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by various ordinances, relating to administration of the Neighborhood Development Program.

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

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

**Ord. No. 645-11.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Market Redevelopment, LLC, or its designee, to provide for a ten-year, sixty percent tax abatement of the increase in the assessed valuation of certain real property improvements located at 11905 Superior Avenue in the Cleveland Area Enterprise Zone.

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

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

**Ord. No. 683-11.**

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

An emergency ordinance to amend the title and Section 5 of Ordinance No. 808-09, passed June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10 June 7, 2010; and to supplement the ordinance by adding new Section 10a. relating to constructing a bike station in Gateway North Garage to include the adjacent Plaza and to set fees.

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

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

**SECOND READING  
ORDINANCE PASSED**

**Ord. No. 710-11.**

By Council Member J. Johnson.  
An ordinance changing the Use, Area and Height Districts of land located on the northeast corner of Parkgate Avenue and East Boulevard to a Multi-Family Residential Use District, a 'D' Area District and a '2' Height District (Map Change No. 2364; Sheet No. 4).

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

1. In the title, line 2; and in Section 1, line 1, strike "Use, Area and Height" and insert "Use and Area" in both places.

2. In the title, strike lines 5 and 6 in their entirety and insert "Residential Use District and a 'D' Area District (Map Change No. 2364; Sheet".

3. In Section 1, strike the last line in its entirety and insert "District and a 'D' Area District."

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.

**SECOND READING EMERGENCY  
RESOLUTION ADOPTED**

**Res. No. 704-11.**

By Council Member Cimperman.  
An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the Market District - Cleveland Business Improvement District plan to provide additional security for the Market District - Cleveland Business Improvement District, additional cleaning and maintenance of the public rights-of-way within the Market District - Cleveland Business Improvement District, and declaring an emergency.

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

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

**MOTION**

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

**MOTION**

The Council Meeting adjourned at 8:58 p.m. to meet on Monday, June 6, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

May 18, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 18, 2011, at 10:47 a.m. with Acting Director Langhenry presiding.

Present: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Director Withers.

Others: James E. Hardy, Commissioner, Purchases and Supplies.

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

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

**Resolution No. 214-11.**

By Directors Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of April, 2011 in the amount of \$12,941.25, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 215-11.**

By Directors Withers.

Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 1036-07, passed August 8, 2007 by the Council of the City of Cleveland, the firm of Paul Bender Consulting is selected upon the nomination of the Director of Public Utilities from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Utilities as the firm of consultants to be employed by contract for the purpose of providing professional consulting services necessary to implement Phases 3 and 4 of the Customer Information System/ Customer Relations Management System for the Division of Water, Department of Public Utilities.

Be it further resolved, that the Director of Public Utilities is authorized to enter into a written contract with Paul Bender Consulting based upon its proposal dated May 11, 2011, which contract shall be prepared by

the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public. The total compensation to the consultant for all services under the contract shall not exceed \$360,000.00.

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 216-11.**

By Directors Withers.

Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 138-11, passed January 31, 2011 by the Council of the City of Cleveland, the firm of Black and Veatch Corporation is selected upon the nomination of the Director of Public Utilities from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Utilities as the firm of consultants to be employed by contract for the purpose of providing professional consulting services necessary to assess and develop management strategies, and implement accepted recommendations, including making recommendations regarding management of the Division of Water, Department of Public Utilities.

Be it further resolved, that the Director of Public Utilities is authorized to enter into a written contract with Black and Veatch Corporation based upon its proposal dated May 25, 2011, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public. The total compensation to the consultant for all services under the contract shall not exceed \$1,250,000.00.

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 217-11.**

By Directors Withers.

Whereas, Resolution No. 680-05, adopted December 7, 2005, under the authority of Ordinance No. 68-98, passed October 19, 1998, as amended by Ordinance No. 94-99, passed March 1, 1999, the City, through its Director of Public Utilities, entered into City Contract No. 65332 with URS Energy & Construction, Inc. (formerly Washington Group International, Inc.) to provide professional services for comprehensive programming of plant computer control system programmable logic controller, human machine interface and peripheral and ancillary equipment for the Plant Computer Control System (PCCS) Phase II project, for the Division of Water, Department of Public Utilities, for an amount not to exceed \$5,153,113.00; and

Whereas, the City desires Consultant to add to the scope of services for the PCCS Phase II project as an extension of the base work and

optional tasks, which enables the addition of work to complete the Plant Enhancement Program (PEP) mission and to cover all four water works plants, which allows for the inclusion of the Crown plant facility, described in City Contract No. 65332, not initially included under Resolution No. 680-05; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a first modification to City Contract No. 65332 with URS Energy & Construction, Inc., on the basis of Consultant's December 16, 2010 proposal for additional programming services at Crown Water Plant, and increasing the dollar amount of the contract by \$650,000.00 to \$5,803,113.00.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultants by URS Energy & Construction, Inc., for the listed additional dollar amounts for services to be performed under the above-authorized first modification is approved:

<u>Sub-consultant</u>	<u>Work Percentage</u>
Ralph Tyler Companies (CSB/MBE)	\$270,540.00 41.622 %
Sigma Associates, Inc. (CSB)	\$78,512.00 12.079 %

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 218-11.**

By Directors Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of United Survey, Inc. for the public improvement of Lee Road Area Sewer System Rehabilitation and Replacement Project, Alternate 2 (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on March 11, 2011, under the authority of Ordinance No. 397-09, passed June 1, 2009, upon a unit basis for the improvement, in the aggregate amount of \$328,020.00 is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by United Survey, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE WORK</u>
Midtown Trucking	CSB/MBE \$60,000.00 (18.292%)
Tech Ready Mix	CSB/MBE \$5,400.00 (1.646%)

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 219-11.**

By Directors Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of United Survey, Inc. for the public improvement of West 14th Street Sewer Relining Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on March 18, 2011, under the authority of Ordinance No. 594-10, passed June 7, 2010, upon a unit basis for the improvement, in the aggregate amount of \$109,810.80, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 220-11.**

By Directors Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perk Co. for the public improvement of construction and installation of replacement sewers and repair and rehabilitation of existing sewers at various locations, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on March 18, 2011, under the authority of Section 129.292 of Codified Ordinances of Cleveland, Ohio, 1976, upon a unit basis for the improvements to be performed as ordered during the period of one (1) year starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$470,951.25, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a requirement contract for the improvement, which contract shall provide for an initial order for performance of work, the cost of which order shall be certified to the contract in the sum of \$400,000.00.

The requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors to Perk Co. for the above-mentioned public improvement by requirement is approved:

**SUBCONTRACTOR CSB/MBE/FBE WORK**

McTech Corp. dba Tech Ready  
 CSB/MBE  
 \$19,320.00(4.102%)

CorStone LTD  
 CSB/MBE/FBE  
 \$60,666.00(12.882%)

Cuyahoga Supply & Tool  
 \$63,300.00

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.  
 Nays: None.  
 Absent: Mayor Jackson and Director Withers.

**Resolution No. 221-11.**

By Directors Flask.  
 Resolved by the Board of Control of the City of Cleveland that the bid of Helicopter Minit-Men, Inc., for an estimated quantity of all items for aviation maintenance, for the Division of Police, Department of Public Safety, for the period of two (2) year beginning with the date of execution of a contract, received on November 18, 2010, under the authority of Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$264,000.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the amount not less than \$50,000.00.

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

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.  
 Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 222-11.**

By Directors Cox.  
 Whereas, Board of Control Resolution No. 168-11, adopted April 21, 2011, approved the bid of Allied Corporation, Inc., as lowest and best for an estimated quantity of Asphalt Concrete for the Division of Streets, Department of Public Works; and

Whereas, Resolution No. 168-11 erroneously omitted the various divisions of the Department of Public Utilities as the divisions for which purchases may be made under the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 168-11, adopted by this Board on April 21, 2011, approving the bid of Allied Corporation, Inc. as lowest and best for an estimated quantity of Asphalt Concrete, for the Division of Streets, Department of Public Works, is amended by inserting "and the various divisions of the Department of Public

Utilities" after "Department of Public Works," where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 168-11 not expressly amended above shall remain unchanged and in full force and effect:

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

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

**Resolution No. 223-11.**

By Directors Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting, Ltd. (CSB), for the public improvement of Greenspace at Zone Recreation Center, for Base Bid items 1-61, 63-72, 74-153, 155, 156, 158-161, Alternate Items 8A1 and Add Alternate Items 1AA1 - 1AA15, 2AA1-2AA3, 3AA1, 4AA, 5AA, 6AA and 7AA including the 5% contingency for the Division of Architecture and Site Development, Department of Public Works, received on March 16, 2011, under the authority of Ordinance No. 607-10, passed on June 7, 2010, upon a unit basis for the improvement in the aggregate amount of \$3,051,031.20, is affirmed and approved as the lowest responsible bid; and the Director of Department of Public Works is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by F. Buddie Contracting, Ltd. (CSB) for the aforementioned public improvement is approved:

**SUBCONTRACTORS AMOUNT PERCENTAGE**

Cunningham Paving (CSB)	\$240,472.00 7.8817%
Gateway Electric (MBE)	\$232,975.00 7.6359%
Carrick's Landscaping (other)	\$145,000.00 4.7525%
Friedel Trucking (CSB)	\$140,000.00 4.5886%
Tech Ready Mix (CSB)	\$135,000.00 4.4247%
Designor Pool (other)	\$106,000.00 3.4742%
Great Northern Fence (other)	\$ 94,222.00 3.0882%
ChildSafe (other)	\$ 65,325.00 2.1411%
Lightning Demolition (CSB)	\$ 65,000.00 2.1304%
Industrial Surface Sealer (CSB)	\$ 29,098.00 0.9537%
Fabrication Group (CSB)	\$ 24,024.00 0.7874%

Lakeside Supply Company (CSB) \$ 15,000.00  
0.4916%

Cuyahoga Tool & Supply (CSB) \$ 7,700.00  
0.2524%

Krusoe Sign Company (CSB) \$ 6,725.00  
0.2204%

Dependable Painting Company (CSB) \$ 6,220.00  
0.2039%

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.  
 Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 224-11.**

By Directors Rush.

Whereas, Board of Control Resolution No. 180-11, adopted April 27, 2011, authorized the sale and development of Permanent Parcel No. 104-10-055 to Ohio Technical College for a parking lot, as part of the Land Reutilization Program and as authorized by Ordinance No. 133-11 passed by the Cleveland City Council on March 21, 2011; and

Whereas, Resolution No. 180-11 incorrectly stated the address of Permanent Parcel No. 104-10-055 as "1055 East 169th Street"; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 180-11, adopted by this Board April 27, 2011, authorizing the sale and development of Permanent Parcel No. 104-10-055 to Ohio Technical College for a parking lot is amended by substituting "St. Clair Avenue" for "1055 East 169th Street", where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 180-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

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

**Resolution No. 225-11.**

By Directors Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel Nos. 117-25-001 and 117-25-016, located at southwest corner of Euclid Avenue and Cliffview Road under the Land Reutilization Program; and

Whereas, Ordinance No. 1464-10 passed November 29, 2010, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cleveland Municipal School District has proposed to the City to purchase and develop the



parcels for expansion of the Euclid Park School; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1464-10, passed by the Cleveland City Council November 29, 2010, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Cleveland Municipal School District for the sale and development of Permanent Parcel Nos. 117-25-001 and 117-25-016, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$1.00 each, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 226-11.**

By Directors Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 118-22-077, located at 2245 East 69th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1616-10 passed February 7, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Desdalena M. Trice has proposed to the City to purchase and develop the parcel for yard expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1616-10, passed by the Cleveland City Council February 7, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Desdalena M. Trice for the sale and development of Permanent Parcel No. 118-22-077, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$400.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Acting Director Langhenry, Directors Dumas, R. Smith, Cox, Butler, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

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, JUNE 6, 2011**

**9:30 A.M.**

**Calendar No. 11-67:** 1261 West 76th Street (Ward 15)

Gillespie Brothers Ltd., owner, appeal for use and Certificate of Occupancy as a bar with entertainment, an outdoor patio and canopy on a 40' x 110.02' corner lot located in a Planned Unit Development (PUD) Overlay District within a G3 Multi-Family District; subject to the provisions in Section 334.13, after completion of initial construction, no Building Permit or Certificate of Occupancy shall be issued for any lot within a development or any phase thereof for which a Site Plan has been approved under Section 334.04 or division (b) of Section 334.05 unless one of the following applies:

(a) the application for a Building Permit or Certificate of Occupancy conforms to the approved Final Site Plan;

(b) the application conforms to all regulations applicable to properties for which a Site Plan has not been approved and is also generally consistent, in the judgment of the Director, with the approved Site Plan; or

(c) an amendment to the approved Site Plan is approved under Section 334.10 to allow the action for which the Permit or Certificate is sought; or

(d) for Permits or Certificates affecting a single lot of less than one quarter acre containing less than five thousand square feet of

gross floor area, a Variance from the Site Plan or the regulations of this Code has been approved by the Board of Zoning Appeals.

Contrary to Section 337.08 the proposed use for a bar with entertainment and outdoor patio are not permitted and first allowed in a General Retail Business district; and pursuant to Section 349.04(c), a parking area in the amount of three times the gross floor/patio area is required under the Cleveland Codified Ordinances.

**Calendar No. 11-69:** 11300 Juniper Drive (Ward 9)

Case Western Reserve University, owner, and KNBB Corporation, lessee, appeal to establish use as a wholesale bakery / food production facility an existing two and one-half story masonry building located on an irregular shaped parcel in a University Retail District where the proposed use is not permitted under the provisions in Section 343.07 in the Cleveland Codified Ordinances.

**Calendar No. 11-70:** 4106 Pearl Road (Ward 13)

Mathile Saad, owner, appeals to establish a motor vehicle repair garage pursuant to Section 325.487 on a 184' x 120' corner lot in a Local Retail Business District; the use first permitted in a Semi-Industry District by the provisions of Section 345.03(c)(2) provided that it is 100 feet from a residence district; and requires Board of Zoning Appeals approval for a nonconforming substitution of a use granted by this Board in Calendar No. 75-3 to convert a service station to installation of muffler and shock absorber systems only, with a requirement that a one and one-half foot high barrier would be erected at the street lines and no barrier was erected. Pursuant to Section 359.01, the proposed substitution or other change of an existing nonconforming use is not permitted except as a variance under the terms of Chapter 329 and special permit from the Board of Zoning Appeals, which may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use.

**Calendar No. 11-71:** 18216 Cornwall Road (Ward 11)

Wesley and Jacqueline McClain, owners, appeal to change a one family dwelling located on a 50' x 137.35' lot in an A1 One-Family District to a Type A Day Care; subject to the limitations of Section 337.02 that require the proposed change of use to be not less than 30 feet from any adjoining premises in a Residence District not used for a similar purpose and with approval from the Board of Zoning Appeals after public notice and hearing to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and if in the judgment of the Board, such buildings and uses

are appropriately located and designed and will meet a community need without adversely affecting the neighborhood.

**Calendar No. 11-73:** 3015 Bridge Avenue (Ward 3)

Michael Zaverton, owner, appeals to install approximately 104 linear feet of fence ranging in height from three feet to six feet contrary to Section 358.04(a) that prohibits fence height to be higher than its distance from a residence building on an adjoining lot and the proposed fence is within twenty inches and three feet, four inches of a house on an adjoining lot.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 23, 2011**

At the meeting of the Board of Zoning Appeals on Monday, May 23, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 11-59:** 15600 Lorain Avenue

Lakepark Congregation appealed to construct a Kingdom Hall Church on consolidated parcels in a General Retail Business District.

**Calendar No. 11-60:** 11100 Detroit Avenue

La Cresta Properties LLC, owner, and Eni Sotiri, tenant, appealed to establish use as a coffee shop in a corner portion of a mixed use building in a General Retail business District.

**Calendar No. 11-62:** 1901 Ford Drive

Case Western Reserve University appealed to extend a temporary tent installation from May 1, 2011 through October 31, 2011.

**Calendar No. 11-63:** 2149 West 6th Street

Todd Burger and Kristie Beck appealed to erect a three-story frame dwelling and attached garage in a B1 Multi-Family District.

**Calendar No. 11-64:** 2274 East 73rd Street

East Central Townhomes, LLC and Burten Bell Carr Development Corporation appealed to Install a 6 foot high board on board wooden fence in the actual side street yard along Central Avenue in a C2 General Retail Business District.

The following appeals were **Withdrawn:**

None.

The following appeal was **Dismissed:**

**Calendar No. 10-179:** 3292 Fulton Road

Pawaw Mangla appealed to change use from a retail store to a motor vehicle minor repair use in a Local Retail Business District.

The following appeal was **Postponed:**

**Calendar No. 10-245:** 3237 Scranton Road postponed to August 22, 2011.

The following appeals heard by the Board on May 16, 2011 were adopted and approved on May 23, 2011.

The following appeals were **Approved:**

**Calendar No. 11-50:** 17024 Dorchester Drive

Michael Jenovic appealed to erect a frame attached garage on a corner lot in an A1 One-Family District; subject to condition.

**Calendar No. 11-56:** 2900 Martin Luther King Drive

The Benedictine Order of Cleveland appealed to erect a new bus garage and football field complex on acreage in a B1 Two-Family District.

The following appeal heard by the Board on February 22, 2011 was adopted and approved on May 23, 2011.

The following appeal was **Approved:**

**Calendar No. 10-227:** 820 College Avenue

Tom Leneghan appealed to add live entertainment to an existing bar/tavern to remove parking spaces and convert to outdoor patio use in a General Retail Business District; subject to conditions.

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

NO MEETING

**PUBLIC NOTICE**

**- TAXICABS- NOTICE OF RATES OF FARE ADJUSTMENT DUE TO COST OF GASOLINE**

Dedrick C. Stephens, Commissioner  
Division of Assessments and Licenses

As of the first Monday of May, 2011, and one month prior thereto, the price per gallon for regular unleaded gasoline for the Cleveland-Lorain-Elyria Metro Area as published by the Automobile Association of America's State-by-State Fuel Price Average Report is equal to or greater than \$3.00 per gallon. Therefore, pursuant to CO § 433.261(a), an increase of \$1.00 to the rates of fare set forth in CO § 443.26 is hereby authorized and shall take effect 30 days from the publication of this notice. No further increases shall be authorized until all prior increases issued pursuant to CO § 443.261 have

been repealed under CO § 443.261(b). Pursuant to CO § 443.261(c), each change in the fare amount shall be applied to the meter. A representative of the Bureau of Weights and Measures must remove the current security seal affixed to each taxicab meter prior to the fare being changed on the meter.

Dedrick C. Stephens  
Commissioner  
Division of Assessments and Licenses

May 25, 2011 and June 1, 2011

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**FRIDAY, JUNE 3, 2011**

**File No. 85-11 — East 78th Street Relocation (from Marble to Osage), for the Division of Engineering and Construction, Mayor's**

Office of Capital Projects, as authorized by Ordinance No. 625-11, passed by the Council of the City of Cleveland, May 9, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

May 18, 2011 and May 25, 2011

#### WEDNESDAY, JUNE 8, 2011

**File No. 86-11 — Various Bulk Multi-Purpose Bond Paper**, for the Division of Printing and Reproduction, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2011 AT 10:30 A.M. THE DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 18, 2011 and May 25, 2011

#### THURSDAY, JUNE 9, 2011

**File No. 83-11 — Lubricants**, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2011 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

May 18, 2011 and May 25, 2011

#### WEDNESDAY, JUNE 15, 2011

**File No. 84-11 — Lake to Lake Bike Trail Extension**, for the Division of Engineering and Construction, Department of Public Works, as authorized by Ordinance No. 310-10, passed by the Council of the City of Cleveland, June 7, 2010.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 2, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

**File No. 87-11 — Purchase of Transformers and Accessories**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 27, 2011 AT 11:00 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 18, 2011 and May 25, 2011

#### FRIDAY, JUNE 10, 2011

**File No. 90-11 — Cleveland Browns Stadium 2010 and 2011 Capital Improvements**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 550-10, passed by the Council of the City of Cleveland, August 18, 2010.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** FRIDAY, JUNE 3, 2011 AT 10:00 A.M. THE CLEVELAND BROWNS STADIUM, SOUTHWEST ENTRANCE (CLEVELAND CLINIC GATE), CLEVELAND, OHIO 44114.

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

**File No. 91-11 — 2011 Safety Surface and Signage Improvements**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 607-10, passed by the Council of the City of Cleveland, June 7, 2010.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 2, 2011 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 500 LAKESIDE AVENUE, 3RD FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

May 25, 2011 and June 1, 2011

#### THURSDAY, JUNE 23, 2011

**File No. 88-11 — Labor and Materials needed to Maintain, Test, Install, Replace, Improve, Restore, and Refurbish Landscaping Various Public Utilities Facilities**, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1599-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 2, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 89-11 — West Side Market Facility Upgrades (Re-bid)**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 489-07, passed by the Council of the City of Cleveland, June 4, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 9, 2011 AT 1:00 P.M. THE CONVENTION CENTER, 500 LAKESIDE AVENUE, 3RD FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

THERE WILL BE A TOUR OF THE FACILITY IMMEDIATELY AFTER THE PRE-BID MEETING. THE LOCATION WILL BE THE WEST SIDE MARKET, 1979 WEST 25TH STREET, CLEVELAND, OHIO 44113.

May 25, 2011 and June 1, 2011

#### ADOPTED RESOLUTIONS AND ORDINANCES

##### Res. No. 719-11.

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 1740 East 17th Street and repealing Resolution No. 1110-10 objecting to said renewal.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 1740 East 17th Street by Resolution No. 1110-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to 1740 East Seventeenth Street, LLC, DBA Moe's Bar, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 6548846 be and the same is hereby withdrawn and Resolution No. 1110-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 16, 2011.  
Effective May 20, 2011.

**Res. No. 720-11.**

**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to the transfer of ownership and location of a D5 Liquor Permit at 240 Euclid Avenue and repealing Resolution No. 374-11, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 236 Euclid Retail, LLC, 240 Euclid Avenue, Cleveland, Ohio 44114, Permanent No. 9115395 by Resolution No. 374-11 adopted by the Council on May 21, 2011; and

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

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

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

**Section 1.** That objection to a D5 Liquor Permit to 236 Euclid Retail, LLC, 240 Euclid Avenue, Cleveland, Ohio 44114, Permanent Number 9115395, be and the same is hereby withdrawn and Resolution No. 374-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted May 16, 2011.  
Effective May 20, 2011.

**Res. No. 721-11.**

**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to the renewal of a**

**D5 and D6 Liquor Permit at 2710 Lorain Avenue and repealing Resolution No. 1084-10.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 2710 Lorain Avenue by Resolution No. 1084-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to 2710, Inc., DBA Touch Supper Club, 2710 Lorain Avenue, Cleveland, Ohio 44113, Permanent Number 9116883 be and the same is hereby withdrawn and Resolution No. 1084-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 16, 2011.  
Effective May 20, 2011.

**Res. No. 722-11.**

**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 21 Prospect Avenue and repealing Resolution No. 1082-10 objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 21 Prospect Avenue by Resolution No. 1082-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to FFB Cleveland, LLC, DBA Fat Fish Blue, 21 Prospect Avenue, Cleveland, Ohio 44115, Permanent Number 2600072 be and the same is hereby withdrawn and Resolution No. 1082-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

Adopted May 16, 2011.  
Effective May 20, 2011.

**Res. No. 723-11.**

**By Council Member Kelley.**  
**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 5100 Pearl Road and repealing Resolution No. 1089-10, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit at 5100 Pearl Road by Resolution No. 1089-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to A & E Investments, Co., DBA Its Station, 5100 Pearl Road, Cleveland, Ohio 44129, Permanent Number 00094580005 be and the same is hereby withdrawn and Resolution No. 1089-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 16, 2011.  
Effective May 20, 2011.

**Res. No. 724-11.**

**By Council Member Miller.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 17229 Euclid Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 17229 Corporation, 17229 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6549661; 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 17229 Corporation, 17229 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6549661; 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

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

Adopted May 16, 2011.  
Effective May 20, 2011.

**Res. No. 725-11.**

**By Council Member Miller.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 453 Dundee Drive, southwest corner, 1st floor and basement and repealing Resolution No. 961-10, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit at 453 Dundee Drive, southwest corner, 1st floor and basement by Resolution No. 961-10 adopted by the Council on July 14, 2010; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to M & M Allan, Inc., DBA Central Fox Market, 453 Dundee Drive, southwest corner, 1st floor and basement, Cleveland, Ohio 44108, Permanent Number 5380275 be and the same is hereby withdrawn and Resolution No. 961-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

and after the earliest period allowed by law.

Adopted May 16, 2011.  
Effective May 20, 2011.

**Res. No. 726-11.**

**By Council Member Zone.**

**An emergency resolution withdrawing objection to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit at 2240 Fulton Road, 1st floor, basement and patio and repealing Resolution No. 28-11, objecting to said transfer.**

Whereas, this Council objected to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit to 2240 Fulton Road, 1st floor, basement and patio by Resolution No. 28-11 adopted by the Council on January 10, 2011; and

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

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

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

**Section 1.** That objection to a D1, D2, D3 and D3A Liquor Permit to Tombstone Tavern, Inc., 2240 Fulton Road, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 8981727 be and the same is hereby withdrawn and Resolution No. 28-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 934-10.**

**By Council Member Sweeney.**

**An emergency ordinance to amend Sections 350.13 through 350.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to electronically-changeable signs.**

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

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

**Section 1.** That the following Sections of the Codified Ordinances Cleveland, Ohio 1976: Section 350.13, as amended by Ordinance No. 1962-98, passed May 3, 1999, Section 350.14, as amended by Ordinance No. 1435-99, passed February 28, 2000, and Section 350.15, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, are amended as follows:

**Section 350.13 Signs for Residential Districts**

Signs in Residential Districts and Residence-Office Districts, as well as signs for community facility uses permitted in these districts, shall be permitted as regulated below:

(a) *Permitted Types, Number, Area and Height (Residential).* Signs by use and structural type are permitted only in accordance with regulations presented in the schedule of Permitted Types, Number, Area and Height (Residential). Sign types not listed are prohibited except for political signs which are permitted as regulated in Section 350.11. Automatic changeable copy signs are prohibited in all Residence Districts. (All signs are permanent unless listed as temporary).

**SCHEDULE OF PERMITTED TYPES, NUMBER, AREA, & HEIGHT  
(RESIDENTIAL)**

SIGNS BY USE TYPE	LAND USE CATEGORIES			
	1-2 FAMILY DWELLINGS	TOWNHOUSES (ROW HOUSES) <sup>2</sup>	MULTI-FAMILY APARTMENTS	COMMUNITY FACILITY
NAMEPLATE	TYPES: wall or free-standing #: 2 per dwelling unit SF: 2 Ht: 3'	TYPES: wall #: 1 per dwelling unit SF: 2	Not Permitted	Not Permitted
INFORMATION	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 1 Ht: 2'	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	TYPES: wall or free-standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'
INDENTIFICATION <sup>3</sup>	TYPES: wall, free-standing or canopy #: 1 per vehicular entrance to a subdivision SF: 20 Ht: 5'	TYPES: wall, free-standing or canopy #: 1 per vehicular entrance SF: 20 Ht: 5'	TYPES: wall, free-standing or canopy #: 1 per vehicular <sup>1</sup> entrance SF: 20 Ht: 5'	TYPES: wall, free-standing or canopy #: 1 per vehicular entrance SF: 40 Ht: 5'
DIRECTIONAL	Not Permitted	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	TYPES: wall or free standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'	TYPES: wall or free-standing #: minimum necessary as approved by Building Commissioner SF: 4 Ht: 3'
REAL ESTATE (Temporary)	TYPES: free-standing or window #: 1 per lot SF: 6 Ht: 6'	TYPES: free-standing or window #: 1 per unit SF: 6 Ht: 6'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 32 Ht: 8'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 32 Ht: 8'
DEVELOPMENT (Temporary)	TYPES: free-standing #: 1 per vehicular entrance to a subdivision SF: 48 Ht: 10'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 64 Ht: 10'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 64 Ht: 10'	TYPES: wall, window or free-standing #: 1 per vehicular entrance SF: 64 Ht: 10'
BULLETIN BOARD	Not Permitted	Not Permitted	Not Permitted	TYPES: wall or free-standing #: 1 per lot SF: 40 Ht: 8'

TYPE: Permitted signs by structural type  
#: Maximum number of signs  
SF: Maximum sign face area (in square ft.) per side of each sign  
Ht.: Maximum height for free-standing signs

<sup>1</sup>One additional identification sign not exceeding 10 square feet in area shall be permitted for each apartment building in a complex of two (2) or more such buildings.

<sup>2</sup>In any One-Family or Two-Family Residential District, such signs are permitted only for subdivisions of at least ten (10) lots.

<sup>3</sup>Identification or Bulletin Board signs using electronically changeable copy may be permitted for Community Facility Uses only in accordance with the regulations of division (g) of this section.

(b) *Location (Residential)*. Signs as permitted for residential and community facility uses shall conform with the location regulations presented in the Schedule of Location Regulations (Residential) in addition to the regulations of Section 350.08.

**SCHEDULE OF LOCATION REGULATIONS (RESIDENTIAL)  
Free-Standing Sign Types**

Minimum Distance From	Nameplate Political & Information	Identification	Real Estate* & Development	Bulletin Board
All Lot Lines Occupied 1-2 Family Dwelling	5'	20'	20'	25'
	—	35'	75'	—

\*Real estate signs for individual one-family, two-family and townhouse units shall be located a minimum distance of two (2) feet from every lot line and dwelling.

(c) *Garage Sale and Open House Sign Regulations*. Signs directing attention to a real estate open house or a sale of household items from a garage or house shall be permitted for one and two-family dwellings and townhouses (rowhouses) in accordance with the following regulations:

- (1) *Maximum Number of signs*: one (1) per lot or townhouse unit.
- (2) *Permitted Sign Types*: window or free-standing.
- (3) *Maximum Sign Area*: four (4) square feet per sign.
- (4) *Maximum Height*: four (4) feet for free-standing signs.
- (5) *Location*: five (5) feet minimum setback from every lot line.
- (6) *Display Period*: no more than three 4-day periods per year.

(d) *Temporary Directional Signs*: Signs directing attention to a real estate open house, garage sale or house auction, for a single-family, two-family or townhouse unit, may be displayed as free-standing signs on "tree lawn" areas in accordance with the following regulations:

- (1) *Maximum Number of Signs:* four (4) per event, with no more than two (2) per block for any single event.
- (2) *Maximum Sign Area:* two (2) square feet per sign.
- (3) *Maximum Heights:* three (3) feet.
- (4) *Location:* at least one (1) foot from curbs and sidewalks and only on corner lots or at street intersections.
- (5) *Display Period:* only on the days of the event and not more than three (3) 3-day periods per year for garage sales and house auctions and not more than two (2) days per week for open house events.
- (6) *Consent:* Temporary directional signs shall be displayed only with the consent of the owner of the property that immediately adjoins the tree lawn on which the sign is to be placed.

(e) *Signs or Accessory Business Uses.* In any Multi-Family Residential District, a business or home occupation permitted as an accessory use may be identified by means of a permitted nameplate sign. Such sign may be displayed as either a wall or window sign not exceeding two (2) square feet in area and illuminated, if at all, by reflected light from a light source which is not visible from beyond the subject lot. No such signs, however, shall be permitted in an One-Family or Two-Family Residential District.

(f) *Office Buildings.* Signs for office buildings in Residence-Office Districts shall be permitted in accordance with the regulations for retail uses as provided in Section 350.14.

(g) *Community Facility Uses.* A variance shall be required and may be granted for Identification or Bulletin Board signs using electronically changeable copy to display information pertinent to a Community Facility use on the premises of such Community Facility use only if the Board of Zoning Appeals determines that the sign will provide community information without adversely affecting the character of nearby residential properties, in accordance with the following provisions.

(1) Community Facility Uses, for purposes of these provisions, shall include schools, places of worship, libraries, museums, hospitals, municipal recreation centers, parks, playgrounds, police stations, fire stations and other principal uses determined to be similar uses by the Board of Zoning Appeals.

(2) Information displayed on the sign shall be limited to information that pertains to the community facility use on which property the sign is located. Each display of information shall remain static or fixed for a minimum of twenty (20) seconds, thereby prohibiting flashing, scrolling, animated or other copy that gives the appearance of motion.

(3) The sign using electronically changeable copy shall be either a wall sign or a freestanding sign or portion of such sign and shall be a maximum of thirty (30) square feet in area.

(4) The placement and design of the sign using electronically changeable copy shall be approved by the City Planning Commission and Landmarks Commission, as applicable, in accordance with the design review guidelines established in this Zoning Code for signs and, specifically, with the intent of ensuring compatibility with the character of nearby residential properties.

(5) The Board of Zoning Appeals may approve a sign that varies from these provisions if both the Board and the City Planning Commission or Landmarks Commission, as applicable, determine that the sign will meet a community need without adversely impacting the character of nearby residential properties.

**Section 350.14 Signs for Retail Districts**

Signs for uses in University Retail, Local Retail, General Retail and Shopping Center Districts shall be permitted as regulated below:

(a) *Maximum Sign Face Area (Retail).* The maximum sign face area of all permanent building-mounted signs for each building or unit thereof shall be related to the width of the building or unit. (For lots without buildings or with unusually small buildings, see division (d) of Section 350.20.) Maximum sign face area, excluding the area of free-standing signs, shall be determined according to the measurement standards of Section 350.05 and the following formula where "W" is the width of frontage (in feet) of the building or unit thereof:  $(W \times 1/5) + 25 = \text{SQUARE FEET OF SIGNAGE}$ .

(b) *Permitted Types, Number, Area and Height (Retail).* Signs by use and structural type are permitted only in accordance with the regulations presented in the schedule of Permitted Types, Number, Area and Height (Retail). Sign types not listed are prohibited except for political signs which are permitted as regulated in Section 350.11. (All signs are permanent unless listed as temporary).

**SCHEDULE OF PERMITTED TYPES, NUMBER, AREA, & HEIGHT (RETAIL)**

SIGNS BY USE TYPE	SIGNS BY STRUCTURAL TYPE				
	FREE-STANDING	WALL	WINDOW	CANOPY	PROJECTING
IDENTIFICATION OR BUSINESS <sup>2, 3</sup>	#: 1 per lot <sup>4</sup> SF: 50 <sup>1</sup> Ht: 12' -Local Retail Districts 25' -Other Retail Districts	SF: As regulated by formula . . . .		#: 1 per building unit SF: 6 if hanging from soffit	#: 1 per building unit SF: 12
DIRECTIONAL & INFORMATION <sup>5</sup>	#: Minimum necessary as approved by Building Commissioner . . . . SF: 4 Ht: 3'	SF: 4	SF: 4	SF: 4	Not Permitted
REAL ESTATE (Temporary)	#: 1 per street frontage SF: 48 Ht: 10'	#: 1 per building side SF: 48	#: 1 per building unit SF: 12	Not Permitted	Not Permitted
DEVELOPMENT <sup>6</sup> (Temporary)	#: 2 per lot (total) . . . . SF: 96 Ht: 12'	SF: 96	SF: 12	Not Permitted	Not Permitted
TEMPORARY (Excluding Real Estate and Development)	As permitted in Section 350.12		SF: 25% of window area	As permitted in Section 350.12	

#: Maximum number of signs  
 SF: Maximum sign area (in square ft.) per side of each sign  
 Ht.: Maximum height for free-standing signs and roof signs  
 Sign Area Formula:  $(W \times 1.5) + 25$  - square feet

<sup>1</sup>Except 75 sq. ft. maximum for establishments with a building frontage of 100-200 ft. and 100 sq. ft. maximum for establishments with a building frontage exceeding 200 ft. For shopping centers, see Section 350.14(d).

<sup>2</sup>Identification or business signs using animation, electronically-changeable copy or flashing lights are specifically prohibited for "adult entertainment uses," as defined in Section 343.11(a)[347.07(b)].

<sup>3</sup>Identification and business signs using animation or electronically-changeable copy are permitted in Local Retail Districts subject to the provisions of division (h) of this section, General Retail Districts and Shopping Center districts as free-standing, wall or window signs and, for theatres, also as canopy signs.

<sup>4</sup>See division (b) of Section 350.20.

<sup>5</sup>For hospitals, colleges and other public facilities and institutions, directional and information signs may be permitted to a maximum area of 12 sq. ft. and a maximum height of 6 ft. as necessary in the determination of the Building Commissioner.

<sup>6</sup>In Local Retail Districts, wall and free-standing development signs shall be limited to 48 sq. ft. and 10 ft. in height (for free-standing signs).

(c) *Location (Retail)*. Free-standing signs as permitted for retail uses shall conform with the location regulations presented in the Schedule of Location Regulations (Retail) in addition to the regulations of Section 350.08.

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 SCHEDULE OF LOCATION REGULATIONS (RETAIL)  
 Free-Standing Sign Types

Minimum Distance From	Identification/ Business	Real Estate & Development	Information & Political	Directional
Residential District Line	25'	25'	5'	5'
Street R.O.W. Line(s)	3'	3'	3'	1'
Side & Rear Lot Lines	5'	5'	5'	5'

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(d) *Shopping Centers*. For purposes of this Chapter three (3) or more retail businesses located on a single lot and served by common parking or common vehicular entrances shall be classified as a "shopping center" and shall be permitted one (1) free-standing identification sign and one (1) wall identification sign in addition to other permitted signs and in accordance with the following regulations:

(1) *Display of Information*. Each shopping center identification sign shall display only the name of the center and the name of not more than one (1) business located within the center, except that, with approval of the council member whose ward is affected as expressed by an ordinance or resolution of Council, for any shopping center with retail floor area exceeding 150,000 square feet, excluding "outlots" with separate free-standing signs, such sign may display the names of not more than two (2) businesses located within the center.

(2) *Size*. The maximum sign face area of a shopping center identification sign shall equal twenty (20) square feet for each 10,000 square feet of gross floor area but shall not exceed 125 square feet. All shopping centers, however, shall be permitted a sign of at least fifty (50) square feet.

(3) *Other Regulations*. All other regulations of this chapter applicable to identification signs shall apply to a shopping center identification sign.

(4) *Other Signs*. A lot displaying a shopping center identification sign may display no other free-standing identification or business signs.

(5) *Secondary Frontages and Entrances*. One (1) additional shopping center identification freestanding sign and one (1) additional shopping center identification wall sign shall be permitted for a shopping center with more than one vehicular entrance, provided that such signs meet the requirements of division (b) of Section 350.20.

(6) *Outlots*. If a vehicular entrance or parking lot of a shopping center also serves a use located on a separate lot (i.e., "out lot"), the free-standing identification or business sign permitted for such lot shall be limited to a maximum of twenty-five (25) square feet in area and seven (7) feet in height.

(7) *Design Review*. No sign identifying a shopping center or identifying two (2) or more businesses within a shopping center and no permanent identification sign of any type located within a designated Shopping Center District shall be erected or altered in appearance without the approval of the City Planning Commission or its Director. In considering such approval, the Commission shall seek to ensure that the signs demonstrate a high degree of graphic and architectural quality, legibility, and design compatibility with the shopping center, its signage and nearby development.

(8) *Consolidation of Free-Standing Signs*. In the case of a shopping center with more than the number of signs allowed under this Chapter, which signs were legally established prior to the effective date of this ordinance, a new free-standing sign identifying two (2) or more businesses may be erected if the following conditions are met:



A. the new multi-tenant sign shall display the name of the shopping center and tenant names no greater in number than the tenant names currently displayed on free-standing signs in the shopping center, but in no case shall more than six (6) tenant names be displayed on such sign;

B. all other free-standing business identification signs on the shopping center property shall be removed prior to erection of the new sign, except that conforming signs permitted for outlots may be retained;

C. the sign does not, exceed twelve (12) feet in height;

D. the council member whose ward is affected approves, as expressed by an ordinance or resolution of Council.

(e) *Gasoline Service Stations.* Signs for gasoline service stations shall conform with all regulations of this chapter except for the maximum sign area regulations of division (a) of Section 350.14 and any regulations which directly conflict with the regulations stated below:

(1) *Free-standing Business Sign.* Each station shall be permitted one (1) permanent free-standing business signs, with total sign face area of the panel or panels not exceeding one hundred (100) square feet. Such sign shall be limited to identifying the company name, management, fuel prices, and services offered.

(2) *Signs at Service Islands.* Stations shall be permitted information signs at fuel or other service islands which display information regarding type of service or are necessary in directing or instructing the motorist who has entered the station area. Signs not extending beyond the edges of fuel pumps are permitted and shall not be counted as business identification signs.

(3) *Wall and Canopy Signs.* Each station shall be permitted permanent identifications, business, directional and information signs displayed as wall or canopy signs and not exceeding one hundred (100) square feet in combined area. Non-opaque internally-illuminated canopy surfaces ("fascia") shall be considered as sign panels for purposes of sign area measurement.

(4) *Temporary Signs.* Temporary signs shall be permitted in accordance with the regulations of Section 350.12.

(f) *Drive-Through Restaurants.* For restaurants providing direct service to customers in motor vehicles, one (1) free-standing or wall-mounted "menu board" sign (limited to information regarding the restaurant's menu and related instructions) shall be permitted for each drive-through lane in addition to signs and sign area otherwise permitted. Such sign shall not exceed forty (40) square feet in area and six (6) feet in height and shall meet setback regulations applicable to free-standing identification signs (as specified in division (c) of this section).

(g) *Regulations for Larger Projecting Signs.* A projecting sign may exceed the otherwise maximum permitted size of twelve (12) square feet and the otherwise maximum permitted projection of four (4) feet from a building wall if such sign meets the following standards:

(1) Such sign shall be set back from the closest interior side lot line and the closest tenant party wall line at least one (1) foot for each one (1) square foot of sign area.

(2) Such sign shall in no case exceed thirty-six (36) square feet in area nor eight (8) feet in projection from the building wall and shall be set back at least two (2) feet from the outer edge of any street curb.

(3) No Building Permit shall be issued for such sign without approval of the City Planning Commission, which shall consider the design quality of the sign and its compatibility with the design character of the subject property and surrounding properties. In addition to considering such general design factors as placement, proportions, color, materials, and consistency with signs to be seen as a series, the City Planning Commission may specifically require use of non-rectangular, custom-shaped panels, exposed neon or reflected lighting, unobtrusive support structures, narrow-profile sign cabinets, or other design features necessary to ensure that a larger projecting sign will enhance the appearance of the building on which it is placed and the district in which it is located.

(4) At least five (5) working days prior to the City Planning Commission meeting at which approval under the regulations of this division will be considered, written notice shall be provided to the City Council member in whose ward the proposed sign is to be located.

(h) *Automatic Changeable Copy Signs in Local Retail Districts.* Automatic changeable copy signs shall be permitted in a Local Retail District only if the Board of Zoning Appeals grants a Variance in accordance with the following standards.

(1) The Board of Zoning Appeals determines that the proposed sign will not adversely impact the character of nearby properties and will not cause disturbances to users of those properties.

(2) The design and placement of the sign has been approved by the City Planning Commission or Landmarks Commission, as applicable, in accordance with the general design guidelines established for use by each Commission.

(3) Each display of information shall remain static or fixed for a minimum of twenty (20) seconds, thereby prohibiting flashing, scrolling, animated or other copy that gives the appearance of motion, unless the City Planning Commission or Landmarks Commission, as applicable, determines that animated or more frequently changing displays can be accommodated in a particular location without causing disturbances to nearby properties.

(i) *Supplemental Regulations.* Signs in Retail Districts shall also conform to regulations of Section 350.20.

#### **Section 350.15 Signs for Industrial Districts**

Signs for uses in Residence-Industry, Semi-Industry, General Industry and Unrestricted Industry Districts shall be permitted as regulated below:

(a) *Maximum Sign Face Area (Industrial).* The maximum sign face area of all building-mounted permanent signs for each building or unit thereof shall be related to the width of the building or unit. (For lots without buildings or with unusually small buildings, see division (d) of Section 350.20). Maximum sign face area, excluding the area of free-standing signs, shall be determined according to the measurement standards of Section 350.05 and the following formula where "W" is the width of frontage (in feet) of the building or unit thereof:  $(W + 25) = \text{SQUARE FEET OF SIGNAGE}$ .

(b) *Permitted Types, Number, Area and Height (Industrial).* Signs by use and structural type are permitted only in accordance with the regulations presented in the Schedule of Permitted Types, Number, Area and Height (Industrial). Sign types not listed are prohibited except for billboards and political signs which are permitted as regulated in Sections 350.10 and 350.11 respectively. (All signs are permanent unless listed as temporary).

**SCHEDULE OF PERMITTED TYPES, NUMBER, AREA, & HEIGHT  
(INDUSTRIAL)**

SIGNS BY USE TYPE	SIGNS BY STRUCTURAL TYPE				
	FREE-STANDING	WALL	WINDOW	CANOPY	ROOF <sup>2</sup>
IDENTIFICATION OR BUSINESS <sup>2, 3</sup>	#: 1 per lot <sup>4</sup> SF: 50 <sup>4</sup> Ht: 25'	SF: As regulated by formula . . . .		#: 1 per building unit SF: 6 if hanging from soffit	#: 1 per building unit Ht: permitted building height
DIRECTIONAL & INFORMATION <sup>5</sup>	#: Minimum necessary as approved by Building Commissioner . . . .				
	SF: 4 Ht: 3'	SF: 4	SF: 4	SF: 4	Not Permitted
REAL ESTATE (Temporary)	#: 1 per street frontage SF: 48 Ht: 10'	#: 1 per building side SF: 48	#: 1 per building unit SF: 12	Not Permitted	Not Permitted
DEVELOPMENT <sup>6</sup> (Temporary)	#: 2 per lot (total) . . . . SF: 96 Ht: 12'	SF: 96	SF: 12	Not Permitted	Not Permitted
TEMPORARY (Excluding Real Estate and Development)	As permitted in Section 350.12		SF: 25% of window area	As permitted in Section 350.12	

#: Maximum number of signs  
 SF: Maximum sign area (in square ft.) per side of each sign  
 Ht.: Maximum height for free-standing signs and roof signs  
 Sign Area Formula: (W x 1.5) + 25 - square feet

<sup>1</sup>A free-standing identification or business sign may exceed 50 square feet in area by an amount equal to 5 square feet for each 1-foot reduction in height below 25 feet. However, no such sign shall exceed 125 square feet in area.

<sup>2</sup>Roof signs are permitted only in General and Unrestricted Industrial Districts. The height and placement of roof signs is further regulated in chapter 3113 of the Building Code.

<sup>3</sup>Identification and business signs using animation or electronically-changeable copy are permitted as free-standing, wall or window signs in all industrial districts.

<sup>4</sup>See division (b) of Section 350.20.

<sup>5</sup>For hospitals, colleges and other public facilities and institutions, directional and information signs may be permitted to a maximum area of 12 sq. ft. and a maximum height of 6 ft. as necessary in the determination of the Building Commissioner.

(c) *Location (Industrial)*. Free-standing signs as permitted for Industrial Districts shall conform to the location regulations presented in the Schedule of Location Regulations (Industrial) in addition to the regulations of Section 350.08.

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**SCHEDULE OF LOCATION REGULATIONS (INDUSTRIAL)**  
 Free-Standing Sign Types

Minimum Distance From	Identification/ Business	Real Estate & Development	Information & Political	Directional
Residential District Line	25'	25'	5'	5'
Street R.O.W. Line(s)	3'	3'	3'	1'
Side & Rear Lot Lines	5'	5'	5'	5'

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(d) *Industrial Parks.* In addition to signs otherwise permitted, a free-standing industrial park identification sign shall be permitted for a unified development of three (3) or more industrial firms and buildings served by a common local access road. Such sign shall conform to the following regulations:

- (1) *Permitted Information:* name and address of the industrial park and names of firms located in the park.
- (2) *Maximum Number:* one (1) for each street frontage containing a vehicular entrance to the industrial park.
- (3) *Maximum Sign Face Area:* sixty (60) square feet plus an additional twenty (20) square feet for each additional tenant above three, to a maximum of 120 square feet.
- (4) *Maximum Height:* twelve (12) feet.
- (5) *Location.* Such sign shall be located at a vehicular entrance to the industrial park and shall conform to the location regulations for other identification or business signs stated in paragraph (c) above. If, however, an industrial park identification sign is displayed, no other free-standing identification or business sign in the development shall be located within fifty (50) feet of the industrial park identification sign.

(e) *Supplemental Regulations.* Signs in Industrial Districts shall also conform to regulations of Section 350.20.

**Section 2.** That the following Sections of the Codified Ordinances Cleveland, Ohio 1976: Section 350.13, as amended by Ordinance No. 1962-98, passed May 3, 1999, Section 350.14, as amended by Ordinance No. 1435-99, passed February 28, 2000, and Section 350.15, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, are repealed.

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

Passed May 16, 2011.

Effective May 20, 2011.

**Ord. No. 1198-10.**

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

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 601.061, relating to the imposition of strict criminal liability for offenses in the Building and Housing Codes that do not specify a degree of culpability.**

Whereas, it was always the intent of this Council that offenses contained in the Building Code or Housing Code that do not specify a degree of culpability be strict liability offenses; and

Whereas, in the case of *Parma vs. Mackay*, No. 92858, a panel of the Eighth District Court of Appeals found, with respect to a building code offense of another municipality, that recklessness must be proved to convict an offender where the offense did not specify a degree of culpability; and

Whereas, it is the desire of this Council to reaffirm its consistent and longstanding intent that offenses contained in the Building Code or Housing Code be strict liability offenses unless another degree of culpability is specified; 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 601.061 to read as follows:

**Section 601.061 Strict Criminal Liability in Building and Housing Code Offenses**

Notwithstanding any other section of the Codified Ordinances, when any section of the Building Code or Housing Code defining an offense

does not specify any degree of culpability, then strict criminal liability shall apply and culpability is not required for the person to be guilty of the offense.

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

Passed May 16, 2011.

Effective May 20, 2011.

**Ord. No 223-11.**

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

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Rockwell Property, LLC, to encroach into the public right-of-way beneath Rockwell Avenue and East 6th Street by installing, using, and maintaining a sidewalk vault.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Rockwell Property, LLC, 1403 East 6th Street Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way beneath Rockwell Avenue and East 6th Street at the following described location for the purpose of installing, using, and maintaining an underground sidewalk vault:

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

and known as being a part of Original Two Acre Lots 69 and 70, further known as being an easement over part of Lot "A" and subplot 21 in the John A. Rockwell and Others Allotment as shown by plat recorded in volume 2, page 58 of Cuyahoga County Map Records, the same being land conveyed to Rockwell Property LLC by A.F.N. 201002260177 of Cuyahoga County Records (PPN 101-05-018);

Beginning in the northwesterly line of Rockwell Avenue (66 feet wide), at the most southerly corner of land conveyed to Rockwell Land Management Company by A.F.N. 200612280153 of Cuyahoga County Records (PPN 101-05-017);

**COURSE 1**

Thence South 33°58' 50" East, along the southeasterly extension of the southwesterly line of said Rockwell Land Management Company property, 8.12 feet;

**COURSE 2**

Thence South 55°41' 23" West, 130.76 feet;

**COURSE 3**

Thence North 33°59' 41" West, 137.89 feet;

**COURSE 4**

Thence South 56°00' 19" West, 9.42 feet;

**COURSE 5**

Thence North 33°59' 41" West, 20.33 feet;

**COURSE 6**

Thence North 56°00' 19" East, 9.42 feet;

**COURSE 7**

Thence North 33°59' 41" West, 17.12 feet;

**COURSE 8**

Thence North 55°41' 23" East, 130.76 feet to the northwesterly extension of

the southwesterly line of said Rockwell Land Management Company property;

**COURSE 9**

Thence South 33°58' 50" East, along the northwesterly extension of the southwesterly line of said Rockwell Land Management Company property, 1.12 feet to the most westerly corner thereof, the same being in the southeasterly sideline of Theresa Court (16.5 feet wide);

**COURSE 10**

Thence South 55°43' 25" West, along the southeasterly sideline of said Theresa Court, 116.10 feet to the northeasterly sideline of East 6th Street (99 feet wide);

**COURSE 11**

Thence South 33°58' 38" East, along the northeasterly sideline of said East 6th Street, 166.11 feet to the northwesterly sideline of said Rockwell Avenue;

**COURSE 12**

Thence North 55°43' 25" East, along the northwesterly sideline of said Rockwell Avenue, 116.11 feet to the PLACE OF BEGINNING, and containing 0.0881 acres of land (3,837 square feet), as calculated and described in November, 2010, by Michael P. Spellacy, P.S. 8169 of Polaris Engineering and Surveying, Inc.

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

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

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

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

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

Passed May 16, 2011.

Effective May 20, 2011.

**Ord. No. 408-11.**  
By Council Members Cimperman, Miller, Cleveland and Sweeney (By Request).

An emergency ordinance to vacate a portion of Perry Court N.E. (12 feet wide).

Whereas, under Resolution No. 610-10, adopted August 18, 2010, this Council declared its intention to vacate a portion of Perry Court N.E. (12 feet wide); and

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

Whereas, on February 17, 2011 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

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

Situated in the State of Ohio, County of Cuyahoga and City of Cleveland and known as being part of ten acre lots 110, 111, 112 and 113 in the Perry and Payne's Subdivision as recorded in volume 2, page 29 of Cuyahoga County Map Records and described as follows:

Being all that portion of Perry Court N.E. (12 feet wide) extending from the easterly right of way line of East 25th Street (66 feet wide) to the westerly right of way line of East 26th Street (66 feet wide).

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company and SBC/AT&T.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company, SBC/AT&T and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

Passed May 16, 2011.

Effective May 20, 2011.

**Ord. No. 447-11.**  
By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to

**issue a permit to the 25th Street Partnership, LLC to encroach into the public right-of-way of West 25th Street by installing, using, and maintaining two six-inch T1 duct banks.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to the 25th Street Partnership, LLC, 1498 West 25th Street Cleveland Ohio 44113 ("Permittee"), to encroach into the public right-of-way of West 25th Street by installing, using, and maintaining two (2) six-inch T1 duct banks, at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 70 and bounded and described as follows:

Beginning at the intersection of the Northwesterly Right of Way line of Market Avenue (formerly 33 feet wide), with the Southwesterly Right of Way line of West 25th Street, 82.5 feet wide;

Thence N 30°58' 51" W, along the Southwesterly Right of Way line of West 25th Street, 87.50 feet to a point and the Principal Place of beginning;

Thence continuing N 30°58' 51" W, along the Southwesterly Right of Way line of West 25th Street, 15.00 feet to a point; thence N 59°01' 09" E, 82.50 feet to a point which lies in the Northeasterly Right of Way line of West 25th Street; thence S 30°58' 51" E, along the Northeasterly Right of Way line of West 25th Street, 15.00 feet to a point; thence S 59°01' 09" W, 82.50 feet to the Principal Place of beginning, containing 1237.50 square feet of land; bearings are assumed (that West 25th Street bears N 30°58' 51" W) and depict angular measurement only; according to the survey completed by Carl P. Gulla, Jr., PE, PS of Cuyahoga Engineering & Surveying Services in February, 2011, be the same more or less but subject to all legal highways.

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

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

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

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

**Section 5.** That this ordinance is declared to be an emergency measure

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

Passed May 16, 2011.

Effective May 20, 2011.

**Ord. No. 452-11.**

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

**An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property, including site improvements and appurtenances; authorizing the Director of Public Works to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works.**

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

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

**Section 1.** That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Department of Public Works, 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 the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 129-11, passed February 14, 2011, the Director of Public Works is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2

and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

**Section 4.** That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 129-11, passed February 14, 2011, the Director of Public Works is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 5.** That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 129-11, passed February 14, 2011, the Director of Public Works is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement, including the rental of necessary equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works.

**Section 6.** That, provided the City of Cleveland sells general obligation bonds authorized by Ordinance No. 129-11, passed February 14, 2011, the Director of Public Works is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Works for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works and certified by the Director of Finance.

**Section 7.** That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 129-11, passed February 14, 2011, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2

and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

**Section 8.** That the Director of Public Works 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 9.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 10.** That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 129-11, passed February 14, 2011, if the City sells such bonds and Fund Nos. 20 SF 377, 20 SF 382, 20 SF 392, 20 SF 501, 20 SF 504, 20 SF 508, 20 SF 516, 20 SF 523, 20 SF 535, 20 SF 640, 10 SF 039, and any other funds appropriated for this purpose with the approval of the Director of Finance.

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

Passed May 16, 2011.

Effective May 20, 2011.

**Ord. No. 453-11.**

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

**An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; authorizing the Director of Public Works to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to public facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works.**

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

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

**Section 1.** That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including all site improvements and appurtenances necessary and incidental, for the Department of Public Works, 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 the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 136-11, passed February 14, 2011, the Director of Public Works is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving a skatepark, including all site improvements and appurtenances necessary and incidental, for the Department of Public Works, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 4.** That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 136-11, passed February 14, 2011, the Director of Public Works is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 5.** That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 136-11, passed February 14, 2011, the Director of Public Works is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement, including the rental of necessary equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works.

**Section 6.** That, provided the City of Cleveland sells general obligation bonds authorized by Ordinance No. 136-11, passed February 14, 2011, the Director of Public Works is authorized to employ by contract one or

more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Works for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works and certified by the Director of Finance.

**Section 7.** That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 136-11, passed February 14, 2011, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2 and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

**Section 8.** That the Director of Public Works 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 9.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 10.** That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 136-11, passed February 14, 2011, if the City sells such bonds and Fund Nos. 20 SF 381, 20 SF 391, 20 SF 503, 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, and 20 SF 533, and any other funds appropriated for this purpose with the approval of the Director of Finance.

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 454-11.**

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

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

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, reconstructing, and rehabilitating cemetery facilities, buildings, structures and grounds, for the Department of Public Works, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 2.** That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 128-11, passed February 14, 2011, the Director of Public Works is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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

**Section 4.** That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 128-11, passed February 14, 2011, if the City sells such bonds and Fund Nos. 20 SF 511, 20 SF 519, and 20 SF 525, and any other funds appropriated for this purpose with the approval of the Director of Finance.

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 457-11.**

**By Council Member Cimperman.**

**An emergency ordinance to repeal Section 2 of Ordinance No. 29-10, passed March 8, 2010, to remove the expiration date of June 1, 2011 on Section 347.02, relating to restrictions on the keeping of farm animals and bees.**

Whereas, under Ordinance No. 29-10, passed March 8, 2010, this Council enacted Section 347.02 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to restrictions on the keeping of farm animals and bees; and

Whereas, that ordinance included a sunset provision which provided for the Section to expire and be of no further force and effect on June 1, 2011; and

Whereas, this Council desires to remove the sunset provision which will permanently enact Section 347.02 until additional legislation is passed; and

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

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

**Section 1.** That Section 2 of Ordinance No. 29-10, passed March 8, 2011, is repealed.

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

Passed May 16, 2011.

Effective May 20, 2011.

**Ord. No. 564-11.**  
**By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 58287 with 3500 Group, Ltd. to modify certain terms and conditions of the contract.**

Whereas, under Ordinance No. 1025-01, passed June 19, 2001, this Council authorized the Director of Economic Development to enter into Contract No. 58287 with 3500 Group, Ltd. to provide economic development assistance to partially finance the acquisition and renovation of a building at 3500 Lorain Avenue, Cleveland, Ohio; and

Whereas, under Ordinance No. 1892-02, passed November 11, 2002, this Council authorized an amendment to the contract to change certain terms and conditions of the original contract; and

Whereas, additional changes are necessary; and

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an amendment to Contract No. 58287 with 3500 Group, Ltd. to modify certain terms and conditions of the contract as stated in File No. 564-11-A.

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

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

Passed May 16, 2011.

Effective May 20, 2011.

**Ord. No. 565-11.**  
**By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into one or more contract amendments with various original UDAG loan recipients which have a scheduled balloon payment during the loan term to accept discount prepayments of their UDAG loans.**

Whereas, some current recipients of original UDAG loans have requested the opportunity to prepay their original UDAG loans which have a scheduled balloon payment during the loan term, at its net present value determined by discounting their loans; and

Whereas, the discount rate which will be used by the City will be 9.75%; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and welfare in that its enactment is a necessary prerequisite to provide immediate assistance to create and preserve additional job opportunities and to advance and promote commercial and economic development in the City of Cleveland; now, therefore,

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 one or more contract amendments with various original UDAG loan recipients which have a scheduled balloon payment during the loan term to accept discount prepayments of their UDAG loans. A Legislative Summary for this ordinance has been placed in File No. 565-11-A.

**Section 2.** That the Director of Economic Development is authorized to accept, on behalf of the City, discounted prepayments from original UDAG loan recipients which have a scheduled balloon payment during the loan term, to be paid to the City, in an amount equal to the net present value of the loan using a 9.75% discount rate in full satisfaction of the loans, provided that the original UDAG loan has a scheduled balloon payment during the loan term, and provided that the discounted prepayments are received within 90 days of final passage of the ordinance. That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the prepayments.

**Section 3.** That the contract amendments shall be prepared by the Director of Law.

**Section 4.** That the Director of Economic Development is authorized to release any and all collateral taken to secure repayments of the loans and to execute all documents necessary to release the collateral. Any release of

security instruments shall be prepared and approved by the Director of Law

**Section 5.** That the Director of Economic Development is authorized to deposit the prepayments as follows: \$5,000,000 into the Rainy Day Reserve Account Fund No. 11 SF 150; \$1,425,000 into the to-be-created New Neighborhood Development Fund; and the balance into the Department of Economic Development UDAG Repayment Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development shall notify this Council within five business days of receipt of any repayments made under this ordinance.

**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 May 16, 2011.

Effective May 20, 2011.

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

**An emergency ordinance giving the Directors of Economic Development and Finance the authority to consent to the sale of an approximately 525 space parking garage located at 515 Euclid Avenue, as part of the Lower Euclid Avenue Project, owned by AmFin Real Estate Investments, Inc., formerly known as OSF Properties, Inc.**

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

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

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

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

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

**Section 1.** That the Directors of Economic Development and Finance shall have the authority to consent to the sale of an approximately 525 space parking garage located at 515 Euclid Avenue, as part of the Lower Euclid Avenue Project, owned by AmFin Real Estate Investments, Inc., formerly known as OSF Properties, Inc. release AmFin Real

Estate Investment, Inc. and to sign such other documents as may be reasonably requested to cause the assignment. The parking garage represents the improvements made under Tax Increment Financing Agreement between the City and Lower Euclid Avenue, LLC, dated December 20, 2002, and a loan agreement between the City and OSF Properties, Inc., City Contract No. 62681. The City's consent to the sale and the City's release of AmFin Real Estate Investment, Inc. from all obligations under that TIF Agreement, the referenced loan agreement, and under any related document is on the condition that the successful bidder assume all obligations under that TIF Agreement the loan agreement, and under any related document.

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

Passed May 16, 2011.

Effective May 20, 2011.

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**Ord. No. 626-11.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to develop a Citywide work order management and inventory management system, including acquiring software licenses, installing, designing, training, implementing, integrating, migrating, interfacing, testing, maintenance, technical support, and other related issues; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of computer hardware, software, and other materials, equipment, supplies, services, maintenance and technical support, for the various divisions of City government, for a period up to three years.**

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

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

**Section 1.** That the Director of Finance is authorized to 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 develop a Citywide work order management and inventory management system, including acquiring software licenses, installing, designing, training, implementing, integrating, migrating, interfacing, testing, maintenance, technical support, for the various divisions of City government, for a period up to three years.

The selection of the consultants, computer software developers, or vendors for the services shall be made by the Board of Control on the nomina-

tion of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance 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, and approved and certified by the Director of Finance.

**Section 2.** That the Director of Finance is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

**Section 3.** That the Director of Finance is authorized to make one or more written standard purchase and requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the purchase, lease for a period up to three years, or lease with option to purchase for a period up to three years, of the necessary items of computer hardware, software not acquired under Section 1 of this ordinance, and other materials, equipment, supplies, services, maintenance, and technical support on items acquired under this Section, necessary to effectuate the purposes of this ordinance, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 4.** That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

**Section 6.** That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund No. 54 SF 001 and from the fund or funds appropriated for this purpose, Request No. RQS 2003, RL 2011-88.

**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 May 16, 2011.

Effective May 20, 2011.

**Ord. No. 646-11.**

**By Council Member Zone.**

**An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from the National League of Cities for the USCIS Citizenship and Integration National Capacity Building Grant Program and to enter into one or more agreements with the National League of Cities and the Global Cleveland Initiative to implement the program.**

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

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

**Section 1.** That the Director of Finance is authorized to apply for and accept a grant in the amount of \$150,000, from the National League of Cities to conduct the USCIS Citizenship and Integration National Capacity Building Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 646-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Finance is authorized to enter into one or more agreements with the National League of Cities and the Global Cleveland Initiative to implement the grant as described in the file.

**Section 4.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed May 16, 2011.

Effective May 20, 2011.

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**Ord. No. 647-11.**

**By Council Member Sweeney (by departmental request).**

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

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

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

**Section 1.** That the Director of Public Works is hereby authorized and directed to make a written



requirements contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various types of vehicles and apparatus described in the Vehicle List placed in File No. 647-11-A, or such other vehicle or apparatus in substitution thereof as may be approved by the Directors of Public Works and Finance as replacement vehicles or apparatus, in the estimated sum of \$6,585,000, to be purchased, leased or leased to purchase by the Commissioner of Purchases and Supplies upon a unit basis for various Divisions in the Departments of Public Works and Public Safety, among others. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for a requirements contract for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase or procurement thereunder, which purchase or procurement, together with all subsequent purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

**Section 3.** That the City may enter into a lease-purchase arrangement for the vehicles and apparatus with a bank, leasing company or any other organization that is not the manufacturer or vendor of the vehicles or apparatus that submitted a bid for the sale, lease or lease to purchase described in Section 1 of this ordinance, provided that: (I) the Director of Finance determines that it is in the best interest of the City to enter into that lease-purchase arrangement, (II) the maximum term of any lease-purchase arrangement does not exceed ten (10) years, (III) the aggregate principal obligation of the City under the lease-purchase arrangement does not exceed \$6,800,000, (IV) if the lease-purchase arrangement provides that the lease payments are to have a principal component and an interest component, the maximum interest rate for the interest component does not exceed seven percent (7%) per annum, (V) the obligations of the City under that lease-purchase arrangement for fiscal years beginning after December 31, 2011 are subject to annual appropriations being made by the City sufficient to pay the lease payments and to meet the other obligations of the City under that lease-purchase arrangement in each of these fiscal years, and (VI) the obligations of the City thereunder for the current fiscal year do not exceed \$250,000, which amount is hereby appropriated for that purpose. The Director of Finance is authorized and directed to sign and deliver, for and on behalf of the City and in the Director's official capacity, such written agreements, certificates and instruments as may be necessary or appro-

appropriate in order to provide for that lease-purchase arrangement under the terms and conditions authorized herein and containing such additional terms and conditions as are acceptable to the Director of Finance and the Director of Law. Those agreements may include a lease-purchase agreement, an escrow agreement for the deposit by the lessor of the purchase price of the vehicles and apparatus, acceptance certificates evidencing the City's acceptance of the vehicles from the vendors, and certificates as to insurance, tax compliance and related matters necessary to carry out the transaction. The lease-purchase arrangement may provide that the lease payments are to have a principal component and an interest component and that the interest component is to be excluded from gross income for federal income tax purposes. In that event, the Director of Finance and other City officials, as appropriate, are authorized to covenant on behalf of the City that (A) the City will use and will restrict the use of the vehicles and apparatus leased by the City under the lease-purchase agreement and will use, and will restrict the investment of, any proceeds of the lease-purchase agreement in such manner and to such extent as may be necessary so that the lease-purchase agreement will not constitute a private activity bond, an arbitrage bond or a hedge bond under the Internal Revenue Code of 1986, as amended (the "Code"), or be treated other than as an obligation to which Section 103(a) of the Code applies, and (B) the City will take or cause to be taken such actions that may be required of it for the interest component of the lease payments to be and to remain excluded from gross income for federal income tax purposes and the City will not take or authorize to be taken any actions that would adversely affect that exclusion. In the event that the City enters into such a lease-purchase arrangement, the Director of Public Works may assign to the lessor under the lease-purchase arrangement, or the lessor's designee, the rights of the City under the contracts for purchase of the vehicles and apparatus authorized in Section 1 of this ordinance. The Director of Law, Clerk of Council and other appropriate officials of the City are authorized to sign and deliver any documents, certificates and other instruments as the Director of Law determines are necessary and appropriate to carry out the transactions authorized by this ordinance.

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

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 669-11.**  
**By Council Members Pruitt and Sweeney (by departmental request).**  
**An emergency ordinance approving the collective bargaining agreement with the Cleveland Fire Fighters, Local 93.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Fire Fighters, Local 93, under the terms contained in File No. 669-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

\* Wage increases shall be effective as follows:

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

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

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 670-11.**  
**By Council Members Pruitt and Sweeney (by departmental request).**  
**An emergency ordinance approving the collective bargaining agreement with the Cleveland Police Patrolmen's Association (Civilian).**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Police Patrolmen's Association (Civilian), under the terms contained in File No. 670-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

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

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

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 671-11.  
By Council Members Pruitt and Sweeney (by departmental request).**

**An emergency ordinance approving the collective bargaining agreement with the International Union of Operating Engineers (IUOE), Local 10.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the International Union of Operating Engineers (IUOE), Local 10, under the terms contained in File No. 671-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

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

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

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

Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.  
Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 672-11.  
By Council Members Pruitt and Sweeney (by departmental request).**

**An emergency ordinance approving the collective bargaining agreement with the Longshoreman Association, Local 1317.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Longshoreman Association, Local 1317, under the terms contained in File No. 672-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

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

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

**Section 2.** That 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 from and after the earliest period allowed by law.  
Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 673-11.  
By Council Members Pruitt and Sweeney (by departmental request).**

**An emergency ordinance approving the collective bargaining agreement with Local 27.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Local 27, under the terms contained in File No. 673-11-A, for the period from April 1, 2010 through

March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

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

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

**Section 2.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.  
Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 674-11.  
By Council Members Pruitt and Sweeney (by departmental request).**

**An emergency ordinance approving the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association - Utilities - Security Officers.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association - Utilities - Security Officers, under the terms contained in File No. 674-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

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

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

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 713-11.**

**By Council Member Brady.**

**An emergency ordinance authorizing and directing the director of Public Service to issue a permit to the West 117th Merchant Association to stretch banners at West 117th (westside); 3384 W. 117; Governor & W. 117th; 3474 W. 117th; W. 117th & Linnet; Dairyland Ice Cream Shop; Milan & W. 117th; 3726 W. 117th; and 3782 W. 117th; for the period of time from July 11, 2011 to August 10, 2011, inclusive, publicizing the Summer Concert at Halloran Gazebo.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the West 117th Merchant Association, to install, maintain and remove banners at West 117th (westside); 3384 W. 117; Governor & W. 117th; 3474 W. 117th; W. 117th & Linnet; Dairyland Ice Cream Shop; Milan & W. 117th; 3726 W. 117th; and 3782 W. 117th; for the period of time from July 11, 2011 to August 10, 2011, inclusive, publicizing the Summer Concert at Halloran Gazebo, for the period from July 11, 2011 to August 10, 2011, inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as to not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banners shall be removed promptly upon the expiration of said permit.

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 714-11.**

**By Council Member Brancatelli.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Slavic Village Development to stretch**

**banners at Broadway Avenue (No. Side 2PW of East 65th and Broadway So. Side 3PW of 65th) for the period from May 23, 2011 to June 22, 2011, inclusive, publicizing the Broadway Farmer's Market.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Slavic Village Development to install, maintain and remove banners at Broadway Avenue (No. Side 2PW of East 65th and Broadway So. Side 3PW of 65th) for the period from May 23, 2011 to June 22, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 715-11.**

**By Council Member Zone.**

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

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard for the period from August 15, 2011 to September 14, 2011, inclusive. Said ban-

ner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 716-11.**

**By Council Member Conwell.**

**An emergency ordinance to add the name Farinacci Court as a secondary name to Fairview Court and to repeal Ordinance No. 1050-10 passed August 18, 2010.**

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 Codified Ordinances of the City of Cleveland, 1976, the name "Farinacci Court" shall be added as a secondary name to Fairview Court.

**Section 2.** That Ordinance No. 1050-10 passed August 18, 2010 is hereby repealed.

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

Passed May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 717-11.**

**By Council Member Dow.**

**An emergency ordinance authorizing the Director of the Department of Public Safety to enter into an agreement with Ziva Community Connections, Inc. for the Safe Neighborhood Initiative Project through the use of Ward 7 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 Public Safety be authorized to enter into an agreement with Ziva Community Connections, Inc. for the for the Safe Neighborhood Initiative Project for the

public purpose of educating city residents on understanding the process of addressing complaints regarding those neighborhood liquor establishments that violate the State liquor code, and how to process such complaints through the use of Ward 7 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$21,910 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 May 16, 2011.  
Effective May 20, 2011.

**Ord. No. 718-11.**  
**By Council Member Dow.**  
**An emergency ordinance authorizing the Director of the Department of Building and Housing to enter into an agreement with Ziva Community Connections, Inc. for the Vacant Properties Initiative Project through the use of Ward 7 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 Building and Housing be authorized to enter into an agreement with Ziva Community Connections, Inc. for the for the Vacant Properties Initiative Project for the public purpose of educating city residents on how to take action

in regards to handling and addressing vacant nuisance properties in Cleveland neighborhoods and understanding the process of addressing such complaints with the city of Cleveland as it pertains to such properties as well as providing a database of vacant properties that are in the city through the use of Ward 7 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$31,910 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 May 16, 2011.  
Effective May 20, 2011.

**COUNCIL COMMITTEE MEETINGS**

**Monday, May 23, 2011**  
**9:00 a.m.**

**City Planning (Zoning) Committee:** Present: Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone. *Authorized Absence:* Cleveland, Chair.

**12:00 p.m.**

**Joint/Public Utilities, Legislation and Finance Committees:** Present in Utilities: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook. Pro tempore: Keane, Sweeney.

Present in Legislation: Mitchell, Chair; Brancatelli, Cleveland, Reed, Sweeney. *Authorized Absence:* K.

Johnson, Vice Chair; Cimperman. Pro tempore: Kelley, Pruitt.

Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**2:00 p.m.**

**Finance Committee:** Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Tuesday, May 24, 2011**  
**9:30 a.m.**

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

**Wednesday, May 25, 2011**  
**10:00 a.m.**

**Aviation and Transportation Committee:**

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

**1:00 p.m.**

**City Planning (Zoning) Committee:** Present: Cleveland, Chair; Brady, Conwell, Keane, Zone. *Authorized Absence:* Dow, Westbrook, Vice Chair.

**1:30 p.m.**

**City Planning Committee:** Present: Cleveland, Chair; Brady, Conwell, Keane, Zone. *Authorized Absence:* Dow, Westbrook, Vice Chair.

**Thursday, May 26, 2011**  
**10:00 a.m.**

**Public Safety Committee:** Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Mitchell, Zone. *Authorized Absence:* Miller.

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O—Ordinance; R—Resolution; F—File  
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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