

The City Record

Official Publication of the Council of the City of Cleveland



March the Twenty-Eighth, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 99

WEDNESDAY, MARCH 28, 2012

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CITY COUNCIL

MONDAY, MARCH 26, 2012

The City Record
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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, March 26, 2012

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Governmental Affairs, Chris Warren, Chief of Regional Development, Andrea V. Taylor, Press Secretary, Natoya J. Walker Minor, Chief of Public Affairs, Jenita McGowan, Chief of Sustainability, Directors Dumas, Withers, Smith, Wasik, Butler, Flask, Cox, Rush, Nichols, Griffin, Brown, Ambrose.

Pursuant to Ordinance No. 2926-76 prayer was offered by Rev. Gloria Chaney, Chaplain, Cleveland Division of Police and Associate Pastor at Antioch Baptist Church, 8869 Cedar Avenue, located in Ward 6. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 418-12.

March 26, 2012

Allen Dreyer
Deputy Clerk
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Mr. Dreyer:

In the absence of Clerk Patricia J. Britt, you are hereby requested, without objection, to serve as Clerk of Council Pro Tempore for all matters requiring the Clerk's signature from March 26 through March 30, 2012. Sandra Franklin will serve as Clerk of Council Pro Tempore for the purposes of the Council meeting on March 26, 2012.

Your assistance is appreciated.

Sincerely,
Martin J. Sweeney,
Council President

Received.

File No. 419-12.

March 26, 2012

Sandra Franklin
First Assistant Clerk
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Mrs. Franklin:

You are requested by Cleveland City Council, without objection, to serve as Clerk of Council Pro Tempore for the purposes of the Council meeting of March 26, 2012.

Your assistance is appreciated.

Sincerely,
Martin J. Sweeney,
Council President

Received.

File No. 420-12.

From Director of Public Safety — acceptance of \$500.00 grant of American Safety for the Prevention of Cruelty to Animals (ASPCA). Received.

File No. 444-12.

From Council Member Martin J. Sweeney, Ward 18 — Memo recusing himself from voting on Ordinance No. 1607-11. Received.

**FROM OHIO DIVISION OF
LIQUOR CONTROL**

File No. 421-12.

Re: #61433910240 — C1 New Application — Moran Foods, Inc. d.b.a. Save A Lot 653, 11905 Superior Avenue. (Ward 9). Received.

File No. 422-12.

Re: #61433910245 — C1 New Application — Moran Foods, Inc. d.b.a. Save A Lot 655, 18235 Euclid Avenue. (Ward 10). Received.

File No. 423-12.

Re: #11411407 — C1 New Application — Elizabeth J. Chalasinski, 3807 East 71st Street. (Ward 12). Received.

File No. 424-12.

Re: #98675900005 — C1 New Application — Zackry, Inc., d.b.a. Dairy Mart, 3510 Fulton Road. (Ward 14). Received.

File No. 425-12.

Re: #6545182 — D1, D2, D3, D3A, D6 Transfer of Ownership Application — 17209 Tavern, LLC, d.b.a. Paninis, 17209 Lorain Avenue & Patio. (Ward 19). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 426-12—Lillie Mae Smith.
Res. No. 427-12—Dorothy Thompson.

Res. No. 428-12—George A. Faulkner.

Res. No. 429-12—Barbara Bohannon.

Res. No. 430-12—Marcie Louise Warren Thomas Jefferson.

Res. No. 431-12—Thomas F. Zenty, Sr.

Res. No. 432-12—John T. Torarsky.
Res. No. 433-12—Paul Perrotti.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 434-12—Kate Peterson Abiad.

Res. No. 435-12—Georgia Lee Cromwell.

Res. No. 436-12—Marian Powell.
Res. No. 437-12—George B. Sobieraj.

Res. No. 438-12—Linda Jaeckel.

RECOGNITION RESOLUTIONS

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

Res. No. 439-12—Dyngus Day.
Res. No. 440-12—Margaret Berry, Ph.D., Professor Emerita of English.

Res. No. 441-12—Council on American-Islamic Relations, Ohio, Cleveland Chapter.

Res. No. 442-12—Mark Jablonski.
Res. No. 443-12—Upstage Players.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 389-12.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to host, administer, and

manage the Oracle Customer Care and Billing System, including support, maintenance, monitoring, upgrades, enhancements, and related services, for a period of three years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide hosting services and professional services necessary to host, administer, and manage the Oracle Customer Care and Billing System, including support, maintenance, monitoring, upgrades, enhancements, and related services, for a period of three years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

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

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

Ord. No. 390-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF 2011-022 with Servisair USA, Inc. to provide for the use of office space at Cleveland Hopkins International Airport for office and storage space to support ground handling operation services.

Whereas, under the authority of Ordinance No. 1034-10, passed October 18, 2010, the Director of Port Control entered into Contract No. NF 2011-022 with Servisair USA, Inc. for the use of office space at Cleveland Hopkins International Airport ("Leased Premises") for office and storage space to support ground handling operation services; and

Whereas, Ordinance No. 1034-10 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased Premises, Servisair USA, Inc. shall pay the City an annual fee as specified in the contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. NF 2011-022 with Servisair USA, Inc. for an additional year for the use of Leased Premises at Cleveland Hopkins International Airport for office and storage space to support ground handling operation services. This ordinance constitutes the additional legislative authority required by Ordinance No. 1034-10 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. 391-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF 2011-037 with Servisair USA, Inc. to provide for the operation of an air cargo facility in the North Cargo Facility Building at Cleveland Hopkins International Airport.

Whereas, under the authority of Ordinance No. 1184-10, passed November 8, 2010, the Director of Port Control entered into Contract No. NF 2011-037 with Servisair USA, Inc. to provide for the operation of an air cargo facility in the North Cargo Facility Building ("Leased Premises") at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 1184-10 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased Premises, Servisair USA, Inc. shall pay the City an annual fee as specified in the contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. NF 2011-037 with Servisair USA, Inc. for an additional year for the use of the Leased Premises to provide for the operation of an air cargo facility in the North Cargo Facility Building at Cleveland Hop-

kings International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1184-10 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. 392-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69925 with Brown Eagle Construction, LLC to provide for the use and occupancy of certain City-owned property located in the passenger terminal building at Burke Lakefront Airport.

Whereas, under the authority of Ordinance No. 1544-09, passed November 23, 2009, the Director of Port Control entered into Contract No. 69925 with Brown Eagle Construction, LLC ("Brown Eagle") to provide for the use and occupancy of certain City-owned property located in the passenger terminal building at Burke Lakefront Airport for the purpose of supporting their construction management-related activities; and

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

Whereas, for the use of the Leased premises, Brown Eagle shall pay the City an annual rent as specified in the lease; 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. 69925 with Brown Eagle for an additional year to provide for the use and occupancy of certain City-owned property located in the passenger terminal building at Burke Lakefront Airport for the purpose of supporting their construction management-related activities. This ordinance constitutes the additional legislative authority required by Ordinance No. 1544-09 to exercise this option.

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

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

Ord. No. 393-12.

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

An emergency ordinance authorizing the Director of Public Works to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program.

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

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

Section 1. That the Director of Public Works is authorized to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program and to pay participant entry fees, in an amount not to exceed \$80,098, payable from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2012-25.

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

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

Ord. No. 394-12.

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

An emergency ordinance to amend Section 617.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2503-76, passed October 25, 1976, relating to selling or dispensing beer or liquor on public premises.

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 617.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2503-76, passed October 25, 1976, is amended to read as follows:

Section 617.11 Selling or Dispensing Beer or Liquor in Certain Public Premises

(a) No person, group, association, partnership or corporation, for profit or not for profit, shall sell, give or dispense any beer or intoxicating liquor to any person anywhere on or in any part or portion of the premises of the Public Utilities Building at 1201 Lakeside, the 205 St. Clair Building, and the 1825 Lakeside Avenue Building.

(b) It shall be the duty of the Director of Public Safety to strictly enforce the provisions of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor.

Section 2. That existing Section 617.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2503-76, passed October 25, 1976, is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

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

Ord. No. 395-12.

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

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

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

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

Section 1. That the title and Section 1 of Ordinance No. 748-11, passed July 20, 2011, are amended to read as follows:

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; authorizing the Director of Port Control to enter into one or more public improvement requirement contracts for the making of the improvement; or alternatively, authorizing the Director to enter into one or more public improvement contracts for the making of the improvement and authorizing one or more professional consultants necessary to design the improvement.

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 (the "Improvement"), 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 existing title and Section 1 of Ordinance No. 748-11, passed July 20, 2011, are repealed.

Section 3. That Ordinance No. 748-11, passed July 20, 2011, is supplemented by adding new Sections 3, 4, and 5 to read as follows:

Section 3. That, alternatively to Sections 1 and 2 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvement, for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders

after competitive bidding on a unit basis for the Improvement.

Section 4. That, alternatively to Sections 1 and 2 of this ordinance, the Director of Port Control is authorized to enter into one or more contracts for the making of the 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 5. That, alternatively to Sections 1 and 2 of this ordinance, the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That Sections 3, 4, 5, and 6 of Ordinance No. 748-11, passed July 20, 2011, are renumbered to new "**Section 6**", "**Section 7**", "**Section 8**", and "**Section 9**".

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

Ord. No. 396-12.

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

An emergency ordinance authorizing the Director of Public Safety to enter into a concession agreement with Gateminder Corporation to install, maintain, and operate, at no cost to the City, up to five automatic teller machines in the five lobbies of the police district stations, for a period of four years, with three two-year options to renew, the first and third of which require additional legislative authority.

Whereas, Gateminder Corporation is the ATM network processor for the Cleveland Police Credit Union located at 2301 Payne Avenue; and

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

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

Section 1. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is authorized to enter into a concession agreement with Gateminder Corporation to install, maintain, and operate, at no cost to the City, up to five automatic teller machines ("ATMs") in five lobbies of the police district stations, for a period of four years, with three 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 two-year option to renew may not be exercised by the Director of Public Safety without additional legislative authority. The ATMs may be used by Cleveland Police Credit Union members, at no charge if accessing their credit union accounts. Any non-credit union transaction will be charged a surcharge per transaction, to be determined by the Cleveland Police Credit Union. The ATMs will be available to Cleveland Police Credit Union members and to non-credit union members, including the general public.

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

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

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

Ord. No. 397-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Pet Fund for the Ohio Pet Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$30,000, and any other funds that may become available during the grant term from the Ohio Pet Fund to conduct the Ohio Pet Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the 2012 grant application for the grant contained in the file described below.

Section 2. That the 2012 grant application for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 397-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

Section 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 Public Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 398-12.

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

An emergency ordinance to amend the title and Sections 1, 2, 4, and 6 of Ordinance No. 812-10, passed July 14, 2010, relating to the 2009 Port Security Grant.

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

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

Section 1. That the title and Sections 1, 2, 4, and 6 of Ordinance No. 812-10, passed July 14, 2010, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Public Safety for the 2009 Port Security Grant; authorizing one or more standard contracts for a vehicle needed to implement the grant; and **authorizing one or more requirement and standard contracts for materials, equipment, supplies, and services, including training, needed to implement the grant.**

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$267,665, and any other funds that may become available during the grant term from the United States Department of Public Safety to conduct the 2009 Port Security Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 812-10-A and **812-10-B**, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, **including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$89,222, from Fund No. 11 SF 006** is approved in all respects and shall not be changed without additional legislative authority.

Section 4. That the Director of Public Safety is authorized to make one or more written **standard purchase contracts and written requirement contracts** under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant term, for each or all of the following items: one vehicle to tow the smaller boats and store dive equipment, and materials, equipment, supplies, and services, including training, needed to implement the grant to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

Section 6. That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance **and the cash match.**

Section 2. That the existing title and Sections 1, 2, 4, and 6 of Ordinance No. 812-10, passed July 14, 2010, are repealed.

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

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

Ord. No. 399-12.

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

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

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the amount of \$800,000, from the Ohio Department of Development to conduct the Walworth Road Infrastructure Improvement; 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 legislative summary for the grant contained in the file described below.

Section 2. That the legislative summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 399-121-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$377,535 from Fund No. 17 SF 652, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Capital Projects is authorized to enter into one or more contracts with the Cleveland Metropolitan School District to implement the grant as described in the file.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the cul de sac and making surrounding street improvements to accommodate the new Max Hayes Vocational High School to be located at the intersection of Walworth Avenue and West 65th Street (the "Improvement"), for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

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

Section 6. That the Director of Capital Projects is authorized to 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 7. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from

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

Section 8. That the Director of Capital Projects is authorized to apply for and accept gifts or grants from any public or private entity, including the gift of equipment or loan of equipment to implement the Improvement; that the Director is authorized to file all papers and execute all documents necessary to receive funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

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 any real property and easements as are necessary to make the improvement. The consideration to be paid for the property and easements shall not exceed its fair market value, as determined by the Board of Control.

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

Section 11. That the cost of the contracts, property acquisition, and other expenditures authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted in this ordinance, the cash match, the contribution from the Cleveland Metropolitan School District, any gifts or grants received from public or private entities, and any and all funds approved by the Director of Finance.

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

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

Ord. No. 400-12.

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

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

Whereas, under Ordinance No. 2197-88, passed January 30, 1989, this Council authorized the City to enter into a Master Development Agreement, Contract No. 40622, with Figgie International Inc. ("MDA"); and

Whereas, on January 31, 1990, Fig-

gie International Inc. assigned its rights under the MDA to Figgie Properties Inc.; and

Whereas, on or about May 25, 1995, Chagrin Highlands, Ltd., an Ohio limited liability company, was formed under the terms of the MDA; and

Whereas, under Ordinance No. 1166-96, passed June 9, 1997, this Council authorized the Director of Economic Development to enter into a first amendment to Contract No. 40622 with Figgie International Inc.; and

Whereas, Figgie International Inc. assigned all of its rights under the MDA to Chagrin Highlands, Ltd. contemporaneously with the execution of the first amendment to the MDA; and

Whereas, the City and Chagrin Highlands, Ltd. wish to amend the MDA to incorporate certain agreed-upon terms; 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 a Second Amendment to the Master Development Agreement, Contract No. 40622, with Chagrin Highlands Ltd., to change the following terms of the agreement:

1. Appraisal Procedure, Exhibit G to the MDA is replaced by Exhibit G, which is placed in File No. 400-12-A of this ordinance.

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

"Reserved land" shall mean any portions of the Property designated as such by the Developer in its exercise notice under Section 4.2. Notwithstanding anything to the contrary, Reserved Land shall in no event be deemed to include the Areas of the Initial Parcel, the Seed Parcel or any part of the Property (or any interest therein) which is directly or indirectly conveyed, to the State of Ohio, any municipality or any governmental or quasi-governmental entity for use in conjunction with the construction or improvement of the Interchange or any public highway, dedicated street or public right-of-way, or any widening, extension or reconfiguration thereof.

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

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

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

4. Miscellaneous. All capitalized terms not defined in this Amendment shall have the meaning given such terms in the MDA. The MDA, as

amended by this Second Amendment, is ratified and affirmed and shall remain in full force and effect. This Second Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

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

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

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

Ord. No. 402-12.

By Council Member Dow.

An emergency ordinance designating the Richman Brothers Factory as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Richman Brothers Factory as a landmark; and

Whereas, the owner of the Richman Brothers Factory has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Richman Brothers Factory as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That the Richman Brothers Factory, whose street address in the City of Cleveland is 1600 East 55th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 104-22-006, 104-22-007, and 104-22-008, and is also known as the following described property:

Parcel Number 1:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Block N, a part of Block J, and a part of Block K, in the survey of parts of Ten Acre Lots Numbers 127 to 131, made at the request of L. M. Southern by C. H. Burgess, surveyor, as recorded in Volume 11 of Maps, Page 41 of Cuyahoga County Records, together with all the areas included within the boundaries of a 10 foot alley running substantially parallel with East 55th Street and an alley (11.96 feet wide), which were vacated by the City of Cleveland Ordinance Number 39324, passed February 28, 1916 and also all the area included within the boundaries of an alley known as East 53rd Place and a part of the area included

within the boundaries of an alley (11.96 feet wide), lying midway between Luther Avenue, N. E., and Harlem Avenue, N. E., which was vacated by City of Cleveland Ordinance Number 69297, passed May 11, 1925, all of which taken together form a parcel of land bounded and described as follows:

Beginning at the intersection of the Westerly line of East 55th Street (100 feet wide), with the Northerly line of Harlem Avenue, N. E. (60 feet wide), thence Westerly along the Northerly line of Harlem Avenue, N. E., 195.00 feet to the most Easterly line of land conveyed by Nathan G. Richman, Charles L. Richman, and Henry C. Richman to The Richman Brothers Company by deed dated September 1, 1925 and recorded in Volume 3432, Page 398 of Cuyahoga County Records; thence Northerly parallel with the Westerly line of East 55th Street, and at right angles to the before mentioned Northerly line of Harlem Avenue, N. E., and along the said most Easterly line of land conveyed to the Richman Brothers Company in aforesaid Deed Volume 3432, Page 398, 70.00 feet to a Northeasterly corner of said parcel of land so conveyed to the Richman Brothers Company; thence Westerly at right angles to the last described line, and parallel to the before mentioned Northerly line of Harlem Avenue, N. E., and along a Northerly line of said parcel of land so conveyed to the Richman Brothers Company, 48.79 feet to a corner of said parcel of land so conveyed to the Richman Brothers Company in the aforesaid Deed Volume 3432, Page 398; thence Northerly along a line which is at right angles to the Northerly line of that portion of Harlem Avenue, N. E., which extends from the angle Westerly of East 55th Street to East 49th Street and along an Easterly line and its production Northerly of said parcel of land so conveyed to the Richman Brothers Company in the aforesaid Deed Volume 3432, Page 398, 63.18 feet to a Northwesterly corner of land conveyed by the Richman Brothers Company to Nathan G. Richman, Charles L. Richman, and Henry C. Richman by deed dated November 5, 1926 and recorded in Volume 3399, Pages 163 to 165 of Cuyahoga County Records, and which said Northwesterly corner is distant, 133.54 feet, right angle measurement Southerly from the Southerly line of Luther Avenue, N. E. (60 feet wide); thence Easterly along a Northerly line of land so conveyed to Nathan G. Richman, Charles L. Richman, and Henry C. Richman, 34.53 feet to a corner of said lands so conveyed; thence Northerly along a line which is at right angles to said Southerly line of Luther Avenue, N. E., and along a Westerly line of land so conveyed to Nathan G. Richman, Charles L. Richman, and Henry C. Richman, 133.53 feet to a point in the Southerly line of said Luther Avenue, N. E., distant Easterly measured along said Southerly line, 646.50 feet from its intersection with the Easterly line of East 49th Street (60 feet wide); thence Easterly along said Southerly line of Luther Avenue, N. E., 133.30 feet to an angle in said Southerly line of Luther Avenue, N. E.; thence Easterly along the Southerly line of Luther Avenue, N. E., 185.24 feet to the said Westerly line of East 55th Street; thence Southerly along the Westerly line of East 55th Street,

322.06 feet to the place of beginning; it is the intention that the second course, which has a length of 70.00 feet, as described herein, which is parallel to and distant, 195.00 feet right angle measurement Westerly, from the Westerly line of East 55th Street, shall follow a line which represents the most westward projection of the brick building, fronting upon East 55th Street, as evidenced by its Northwesterly corner near the Southerly line of Luther Avenue, N. E., and its Southwesterly corner, near the Northerly line of Harlem Avenue, N. E.; PPN: 104-22-006;

Parcel Number 2:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Block C and parts of Blocks J and K in the survey of parts of Ten Acre Lots Numbers 127 and 131 made at the request of L. M. Southern recorded in Volume 11 of Maps, Page 41 of Cuyahoga County Records, all of East 50th Place as vacated by City of Cleveland Ordinance Number 84468, all of East 51st Place as vacated by City of Cleveland Ordinance Number 83407, all of an unnamed alley (11.96 feet wide) vacated by City of Cleveland Ordinance Number 83408, and part of an unnamed alley (11.96 feet wide) vacated by City of Cleveland Ordinance Number 64297, and together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Luther Avenue, N. E. (60 feet wide) at its intersection with the Northeasterly line of East 49th Street (60 feet wide); thence Northeasterly along the Southeasterly line of Luther Avenue, 646.50 feet to the Northwesterly corner of the first parcel of land conveyed to the City of Cleveland by deed dated February 26, 1916 and recorded in Volume 1810, Page 299 of Cuyahoga County Records; thence Southeasterly along the Southwesterly line of the first parcel of land so conveyed, 133.53 feet to a point on the Northwesterly line of an alley (11.96 feet wide) now vacated by Ordinance Number 64297; thence Southwesterly along the Northwesterly line of said vacated alley, 34.53 feet to an exterior corner of land conveyed to Nathan G. Richman, Charles L. Richman, and Henry C. Richman by deed dated November 5, 1926 and recorded in Volume 3399, Page 163 of Cuyahoga County Records; thence Southeasterly along a Southwesterly line of land so conveyed and along a Northeasterly line of land conveyed to the Richman Brothers Company by deed dated September 1, 1925 and recorded in Volume 3432, Page 398 of Cuyahoga County Records, 63.18 feet to an interior corner of land conveyed by the deed last aforesaid; thence Easterly along a Northerly line of land so conveyed, 48.79 feet to an exterior corner thereof; thence Southerly along the most Easterly line of land conveyed by the deed last aforesaid, 70.00 feet to a point on the Northerly line of Harlem Avenue, N. E. (60 feet wide); thence Westerly along the Northerly line of Harlem Avenue, N. E., 4.94 feet to an angle therein; thence Southwesterly along the Northwesterly line of Harlem Avenue, N. E., 596.71 feet to the Northeasterly line of East 49th Street; thence Northwesterly along the Northeasterly line of East 49th Street, 280.00 feet to the place of beginning, be the same more or less,

but subject to all legal highways; PPNs: 104-22-007 and 104-22-008;

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

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

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

Ord. No. 403-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of cremation services for indigent dead, for the Division of Health, Department of Public Health, for a term of two years.

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

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

Section 1. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years of the necessary items of cremation services for indigent dead, 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 Health, Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 5005, RL 2012-20)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Health 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 Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 404-12.

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

An emergency ordinance authorizing the Director of Public Utilities to execute deeds of easement granting to the Village of Newburgh Heights and the Cleveland Electric Illuminating Company certain easement rights in property located near the intersection of East 42nd Street and Harvard Avenue in the Village of Newburgh Heights in order to facilitate the intersection reconstruction; and declaring that the easement rights granted are not needed for public use.

Whereas, the Village of Newburgh Heights ("Newburgh Heights") has requested the Director of Public Utilities to convey certain easement rights in property located near the intersection of East 42nd Street and Harvard Avenue in the Village of Newburgh Heights in order to facilitate the intersection reconstruction and to grant a standard highway easement to Newburgh Heights; and Whereas, in connection with the same project, the Cleveland Electric Illuminating Company ("CEI") has requested the Director of Public Utilities to convey certain easement rights in property located near the intersection of East 42nd Street and Harvard Avenue and to grant a permanent easement to CEI; and

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

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that easement interests in the following described property are not needed for public use and may be granted to the Village of Newburgh Heights:

**Standard Highway Easement
0.0342 Acre**

Situated in the Village of Newburgh Heights, County of Cuyahoga and State of Ohio and known as being part of Original Newburgh Township 100 Acre Lot No. 293. Also being part of the land conveyed to The City of Cleveland as recorded in Instrument No. 200905270166 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Harvard Avenue (60 feet wide) and East 42nd Street (60 feet wide), said point being South

02°09'03" East, 30.00 feet from a 5/8" iron pin in a monument box found in the centerline of East 42nd Street;

Thence, along the centerline of Harvard Avenue, South 89°13'14" East, 31.57 feet;

Thence, leaving said centerline, South 00°46'46" West, 30.00 feet to the intersection of the southerly right of way of Harvard Avenue and the easterly right of way of East 42nd Street and the True Point of Beginning for the easement herein described;

Thence, along the southerly right of way of Harvard Avenue, South 89°13'14" East, 50.00 feet to the westerly line of land conveyed to City of Cleveland, Department of Public Utilities, Division of Water and Heat as recorded in Volume 87-0645 Page 5 of the Cuyahoga County Records;

Thence, along City of Cleveland, Department of Public Utilities, Division of Water and Heat's westerly line, South 02°09'03" East, 3.87 feet;

Thence, leaving said line, North 89°26'31" West, 1.30 feet;

Thence, along the arc of a curve which deflects to the left, 66.37 feet, said curve having a radius of 48.50 feet, a central angle of 78°24'27", a tangent of 39.56 feet, and a chord of 61.31 feet which bears South 40°52'30" West;

Thence South 01°40'17" West, 4.45 feet;

Thence South 02°09'03" East, 64.71 feet to the northerly line of said land conveyed to City of Cleveland, Department of Public Utilities, Division of Water and Heat, being also the corporation line between the Village of Newburgh Heights and the Village of Cuyahoga Heights;

Thence, along said corporation line, being also City of Cleveland, Department of Public Utilities, Division of Water and Heat's northerly line, North 89°13'14" West, 6.51 feet to the easterly right of way of East 42nd Street;

Thence, leaving said corporation line, along the easterly right of way of East 42nd Street, North 02°09'03" West, 120.00 feet to the point of beginning.

Containing within said bounds 0.0342 acres (1,488 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in December, 2010.

Bearings based on the Ohio State Plane, North Zone NAD83 (2007) Grid North.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that easement interests in the following described property are not needed for public use and may be granted to CEI:

**CEI Overhead Easement
0.0393 Acre**

Situated in the Village of Newburgh Heights, County of Cuyahoga and State of Ohio and known as being part of Original Newburgh Township 100 Acre Lot No. 293. Also being part of the land conveyed to The City of Cleveland as recorded in Instrument No. 200905270166 of the Cuyahoga County Records and The City of Cleveland, Department of Utilities, Division of Water and Heat as recorded in Volume 87-0645, Page 5 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Harvard Avenue (60 feet wide) and East 42nd Street (60 feet wide), said point being South 02°09'03" East, 30.00 feet from a 5/8" iron pin in a monument box found in the centerline of East 42nd Street;

Thence, along the centerline of Harvard Avenue, South 89°13'14" East, 31.57 feet;

Thence, leaving said centerline, South 00°46'46" West, 30.00 feet to the intersection of the southerly right of way of Harvard Avenue and the easterly right of way of East 42nd Street;

Thence, along the southerly right of way of Harvard Avenue, South 89°13'14" East, 50.00 feet to the northwesterly corner of said land conveyed to City of Cleveland, Department of Public Utilities, Division of Water and Heat and the True Point of Beginning for the easement herein described;

Thence, continuing along the southerly right of way of Harvard Avenue, South 89°13'14" East, 12.02 feet;

Thence, leaving said southerly right of way, South 02°09'03" East, 14.75 feet;

Thence South 87°50'57" West, 6.75 feet;

Thence, along the arc of a curve which deflects to the left 54.90 feet, leaving said land of The City of Cleveland, Department of Utilities, Division of Water and Heat and crossing the easterly line of said land conveyed to The City of Cleveland as recorded in Instrument No. 200905270166 of the Cuyahoga County Records at an arc distance of 5.27 feet, said curve having a radius of 36.50 feet, a central angle of 86°10'40", a tangent of 34.14 feet, and a chord of 49.87 feet which bears South 44°45'37" West;

Thence South 01°40'17" West, 4.05 feet;

Thence South 02°09'03" East, 64.92 feet to the northerly line of said land conveyed to City of Cleveland, Department of Public Utilities, Division of Water and Heat, being also the corporation line between the Village of Newburgh Heights and the Village of Cuyahoga Heights;

Thence, along said corporation line, being also City of Cleveland, Department of Public Utilities, Division of Water and Heat's northerly line, North 89°13'14" West, 12.02 feet;

Thence, leaving said line, North 02°09'03" West, 64.71 feet

Thence North 01°40'17" East, 4.45 feet;

Thence, along the arc of a curve which deflects to the right, 66.37 feet, said curve having a radius of 48.50 feet, a central angle of 78°24'27", a tangent of 39.56 feet, and a chord of 61.31 feet which bears North 40°52'30" East;

Thence South 89°26'31" East, 1.30 feet to the westerly line of said land conveyed to City of Cleveland, Department of Public Utilities, Division of Water and Heat;

Thence, along City of Cleveland, Department of Public Utilities, Division of Water and Heat's westerly line, North 02°09'03" West, 3.87 feet to the point of beginning.

Containing within said bounds 0.0393 acres (1,714 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor No. 7289 in March, 2012.

Bearings based on the Ohio State Plane, North Zone NAD83 (2007) Grid North.

Section 3. That the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interests to Newburgh Heights and CEI subject to any conditions stated in this ordinance, at a price of \$1.00 each, and other valuable considerations, which is determined to be fair market value.

Section 4. That the standard highway easement to Newburgh Heights shall be exclusive and the purpose of the easement shall be to facilitate the intersection reconstruction of East 42nd Street and Harvard Avenue in the Village of Newburgh Heights. That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Utilities; and that the easement shall require that Newburgh Heights maintain any roadway improvements located within the easement and pay any applicable taxes and assessments.

Section 5. That the easement to CEI shall be non-exclusive and the purpose of the easement shall be to facilitate the intersection reconstruction of East 42nd Street and Harvard Avenue in the Village of Newburgh Heights. That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Utilities; and that the easement shall require that CEI maintain any utility improvements located within the easement and pay any applicable taxes and assessments.

Section 6. That the conveyances referenced above shall be made by official deeds of easement prepared by the Director of Law and executed by the Director of Public Utilities on behalf of the City of Cleveland. The Directors of Public Utilities and Law are authorized to execute any other documents, including without limitation, contracts for rights of entry, as may be necessary to effectuate 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.

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

Ord. No. 405-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit development organizations, or their designees, to provide financial assistance for preserving affordable lease-purchase housing units and facilitating the acquisition of those units by the existing tenants.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit development organizations, or their designees, to provide financial assistance for preserving affordable lease-purchase housing units and facilitating the acquisition of those units by the existing tenants.

Section 2. That the aggregate cost of the contract or contracts shall not exceed \$500,000 and shall be paid from Fund No. 14 SF 036, RQS 8006, RL 2012-48.

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

Ord. No. 406-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of decorative post lights and address lights, including installation, to implement Cleveland Public Power's Decorative Post Light Program, for the Division of Cleveland Public Power, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of decorative post lights and address lights, including installation, to implement Cleveland Public Power's Decorative Post Light Program, for the Division of Cleveland Public Power, Department of Public Utilities, for a period up to two years.

orative post lights and address lights, including installation, to implement Cleveland Public Power's Decorative Post Light Program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 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 any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2004, RL 2012-9)

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 Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Ord. No. 409-12.

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 SourceLink, Ohio LLC to provide various services relating to the customer care and billing system for the Divisions of Water and Cleveland Public Power, for a period up to two years, with two one-year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with SourceLink, Ohio LLC for professional services necessary to provide various services relating to the customer care and billing systems for the Divisions of Water and Cleveland Public Power, including but not limited to bill printing and mailing services for utility bills, delinquent and reminder notices, bill design, and other bill inserts, on the basis of their proposal dated March 12, 2012, in the total sum of \$1,795,574, for the Department of Public Utilities, for a period up to two years, with two one-year options to renew, the first of which requires additional legislative authority. The contract or contracts shall be paid from Fund Nos. 52 SF 001 and 58 SF 001, Request No. RQS 2002, RL 2012-11.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 408-12.

By Council Member Westbrook.

An ordinance changing the Use, Area and Height Districts of lands located on the north and south sides of Madison Avenue between W. 98 Street and W. 85 Street to Urban Garden District, Two Family, Multi-Family, Residence Office, Local Retail or General Retail, a 'B' or 'C' Area District and a 1 or a 2 Height District as identified on the attached map (Map Change No. 2391, Sheet Number 1).

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

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

Beginning in the centerline of Madison Avenue at its intersection with the southerly prolongation of the centerline of West 96th Street;

Thence northerly along said southerly prolongation and said centerline to its intersection with the easterly prolongation of the northerly line of a parcel of land conveyed to Christie Richards by deed dated May 5, 2003 and recorded in Auditor's File Number 200305060238, said parcel also being known as Cuyahoga County's Permanent Parcel Number 001-29-025;

Thence westerly along said easterly prolongation and said northerly line and continuing along its westerly prolongation to its intersection with the easterly line of a parcel of land conveyed to Danny E. Lewis by deed dated August 1st, 2003 and recorded in Auditor's File Number 200308010559, said parcel also being known as Cuyahoga County's Permanent Parcel Number 001-29-078;

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

Thence easterly along said centerline of Madison Avenue to its intersection with the southerly prolongation of the centerline of West 96th Street and the principal place of beginning.

and as identified on the attached map is changed to an Urban Garden District, and a 1 Height District.

Section 2. That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning in the centerline of Madison Avenue at its intersection with the centerline of West 98th Street;

Thence southerly along said centerline of W. 98 Street to its intersection with the westerly prolongation of the northerly line of Sublot No. 22 in the G.W. Fackler & S.W. Johnson Subdivision shown on the recorded plat in Volume 8, Page 25 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said northerly line and along its easterly prolongation to its intersection with the easterly line of Sublot No. 4 in the aforementioned G.W. Fackler & S.W. Johnson Subdivision;

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

Thence easterly along said centerline of Madison Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 1 in the E.F. Davis Allotment shown on the recorded plat in Volume 7, Page 8 of Cuyahoga County Map Records;

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

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

Thence southerly along the southerly prolongation of said easterly line to its intersection with the northerly line of Stanhope Avenue;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the centerline of West 91st Street;

Thence northerly along said centerline of West 91st Street and along its northerly prolongation to its intersection with the centerline of Madison Avenue;

Thence westerly along said centerline of Madison Avenue to its intersection with the southerly prolongation of the centerline of West 93rd Street;

Thence northerly along said southerly prolongation to its intersection with the easterly prolongation of the northerly line of Sublot No. 3 in the William J. White Subdivision shown on the recorded plat in Volume 14, Page 26 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation of said northerly line and along its westerly prolongation to its intersection with the easterly line of Sublot No. 1 in the aforementioned William J. White Subdivision;

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

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

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

Thence westerly along said centerline of Madison Avenue to its intersection with the centerline of W. 98th Street and the principal place of beginning.

and as identified on the attached map is changed to a Two Family Residential District, a 'B' Area District and a 1 Height District.

Section 3. That the Use, Height and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Madison Avenue at its intersection with the southerly prolongation centerline of West 89 Street;

Thence northerly along said prolongation of said centerline to its in with the easterly prolongation of the northerly line of Sublot No. 13 in the Eleanor H. Seymour Subdivision shown on the recorded plat in Volume 29, Page 24 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation and said northerly line and continuing along its westerly prolongation to its intersection with the centerline of West 90th Street;

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

Thence easterly along said centerline of Madison Avenue to its intersection with the southerly prolongation of the centerline of W. 89th Street and the principal place of beginning.

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

Section 4. That the Use, Height and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Madison Avenue at its intersection with the centerline of West 98th Street;

Thence northerly along said centerline of West 98th Street to its intersection with the westerly prolongation of the northerly line of Sublot No. 9 in the F.R. Elliot Subdivision shown on the recorded plat in Volume 2, Page 3 of Cuyahoga County Map Records;

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

Thence southerly along said easterly line to its intersection with a line drawn approximately 30 feet southerly of and parallel to the aforementioned northerly line of Sublot No. 9 in the F.R. Elliot Subdivision;

Thence easterly along said parallel line to its intersection with the centerline of W. 96th Street;

Thence southerly along said centerline of W. 96th Street to its intersection with the easterly prolongation of the northerly line of a parcel of land conveyed to Christie Richards by deed dated May 5, 2003 recorded in Auditor's File Number 200305060238, said parcel also being known as Cuyahoga County's Permanent Parcel Number 001-29-025;

Thence westerly along said easterly prolongation of said northerly line and along its westerly prolongation to its intersection with the easterly line of a parcel of land conveyed to Danny E. Lewis by deed dated August 1, 2003 and recorded in Auditor's File Number 200308010559, said parcel also being known as Cuyahoga County's Permanent Parcel Number 001-29-078;

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

Thence easterly along Madison Avenue to its intersection with the southerly prolongation of the centerline of West 93rd Street;

Thence northerly along said southerly prolongation and said centerline to its intersection with the westerly prolongation of the southerly line of Sublot No. 7 in the William J. White Subdivision shown on the recorded plat in Volume 14, Page 26 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation and said southerly line to its intersection with the easterly line of the aforementioned William J. White Subdivision;

Thence northerly along said easterly line to its intersection with the northerly line of Sublot No. 12 in the aforemen-

tioned William J. White Subdivision;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the westerly line of the aforementioned William J. White Subdivision;

Thence southerly along said easterly line to its intersection with the southerly line of Sublot No. 27 in the aforementioned William J. White Subdivision;

Thence easterly along said southerly line to its intersection with the easterly line of Sublot No. 1 in the aforementioned William J. White Subdivision;

Thence southerly along said easterly line to its intersection with the northerly line of Sublot No. 2 in the aforementioned William J. White Subdivision;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the centerline of West 93rd Street;

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

Thence easterly along said centerline of Madison Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 5 in the Taylor Park Subdivision shown on the recorded plat in Volume 38, Page 29 of Cuyahoga County Map Records;

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

Thence westerly along said centerline of Conover Court and along its westerly prolongation to its intersection with the centerline of West 89th Street;

Thence northerly along said centerline of West 89th Street and along its northerly prolongation to its intersection with Madison Avenue;

Thence westerly along said centerline of Madison Avenue to its intersection with the northerly prolongation of the centerline of W 93rd Street;

Thence southerly along said northerly prolongation and said centerline to its intersection with the easterly prolongation of the southerly line of Sublot No. 62 in the E.F. Davis Allotment in Volume 7, Page 8 of Cuyahoga County Map Records;

Thence westerly along said easterly line and along its westerly prolongation to its intersection with the northerly prolongation of the easterly line of Sublot No. 68 in the aforementioned E.F. Davis Allotment;

Thence southerly along said northerly prolongation of said easterly line and continuing along its southerly prolongation to its intersection with the northerly line of Sublot No. 70 in the aforementioned E. F. Davis Allotment;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the centerline of West 95th Street;

Thence northerly along said centerline and along its northerly prolongation to its intersection with the centerline of Madison Avenue;

Thence westerly along said centerline of Madison Avenue to its intersection with the centerline of West 98th Street and the principal place of beginning.

and as identified on the attached map is changed to a Residence Office District, a 'C' Area District and a 2 Height District.

Section 5. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Madison Avenue at its intersection with the southerly prolongation of the centerline of West 96th Street ;

Thence northerly a long said southerly prolongation and said centerline to its intersection with the westerly prolongation of the northerly line of Sublot number 8 in the F. R. Elliott Subdivision shown on the recorded plat in volume 2 page 3 of Cuyahoga County Map Records;

Thence easterly a long said westerly prolongation and said northerly line to its intersection with a line drawn 39ft. easterly of and parallel to the easterly line of West 96th Street;

Thence southerly a long said parallel line to its intersection with the centerline of Madison Avenue;

Thence easterly a long said centerline of Madison Avenue to its intersection with the southerly prolongation of the centerline of West 93 Street;

Thence northerly a long said southerly prolongation of said centerline to its intersection with a line drawn 35ft. southerly of and parallel to the southerly line of Sublot No. 8 in the William J. Wright subdivision shown on the recorded plat in volume 14 page 26 of Cuyahoga County Map Records;

Thence easterly along said parallel line to its intersection with the westerly line of the Margaret T. Ranney subdivision shown on the recorded plat in volume 24 page 23 of Cuyahoga County Map Records;

Thence northerly along said westerly line to its intersection with the main line of the New York, Chicago and Saint Louis Railroad;

Thence easterly a long said main line to its intersection with the northerly prolongation of the easterly line of the Eleanor H. Seymour subdivision shown on the recorded plat in volume 29 page 25 of Cuyahoga County map records;

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

Thence easterly a long said centerline of Madison Avenue to its intersection with the southerly prolongation of the westerly line of the James F. Rhodes subdivision shown on the recorded plat in volume 15, page 2 of Cuyahoga County map records;

Thence northerly along said southerly prolongation to its intersection with the northerly line of Sublot No. 50 in the aforementioned James F. Rhodes subdivision;

Thence easterly along said northerly line and a long its easterly prolongation to its intersection with the centerline of West 85th Street;

Thence southerly along said centerline of West 85th Street and a long its southerly prolongation to its intersection with the centerline at Madison Avenue;

Thence easterly a long said centerline and Madison Avenue to its intersection with the northerly prolongation of the centerline of West 85th Street;

Thence southerly a long said centerline of West 85th Street to its intersection with the easterly prolongation of the centerline of Conover Court;

Thence westerly a long said prolongation of said centerline through its intersection with the centerline of West 87 Street to its intersection with the southerly prolongation of the easterly line of Sublot number 4 in the Taylor Park Subdivision shown on the recorded plat in volume 38 page 29 of the Cuyahoga County map records;

Thence northerly along said southerly prolongation of said centerline and along its northerly prolongation to its intersection with the centerline a Madison avenue;

Thence westerly a long said centerline of Madison avenue to its intersection with the northerly prolongation of the centerline of West 89th Street ;

Thence southerly a long said northerly prolongation of said centerline to its intersection with the easterly prolongation of the northerly line of Sublot number 1 in the Lucas Fischer subdivision shown on the recorded plat in volume 39 page 27 of Cuyahoga County map records ;

Thence westerly a long said easterly prolongation of said northerly line to its intersection with the easterly line of Sublot No. 3 in the Jacob Stahl and P.J. Platten subdivision shown on the recorded plat in volume 5 page 65 of Cuyahoga County map records;

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

Thence westerly a long said southerly line and a long its westerly prolongation to its intersection with the centerline of West 91st Street

Thence northerly along said centerline of West 91st Street and along its northerly prolongation to its intersection with the centerline of Madison Avenue;

Thence westerly along said centerline of Madison Avenue to its intersection with the northerly prolongation of the centerline of West 95th Street;

Thence southerly a long said centerline of West 95th Street to its intersection with the easterly prolongation of the northerly line of Stanhope Avenue;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the easterly line of Sublot No. 10 in the G.W. Fackler and S.W Johnson Subdivision shown on the recorded plat in volume 8, page 25 of Cuyahoga County map records;

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

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the easterly line of Sublot No. 6 in the aforementioned G. W. Fackler and S. W. Johnson subdivision;

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

Thence westerly a long said centerline of Madison Avenue to its intersection with the southerly prolongation of the centerline of W. 96th Street and the principal place of beginning.

and as identified on the attached map is changed to a Local Retail Business.

Section 6. That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of W. 96th Street at its intersection with the westerly prolongation of the southerly line of Sublot No. 5 in the F.R. Elliot subdivision shown on the recorded plat in Volume 2, Page 3 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation to its intersection with a line drawn 50 feet westerly of and parallel to the westerly line of Sublot No. 6 in the aforementioned F.R. Elliot Subdivision;

Thence southerly along said easterly line to its intersection with a line drawn 50 feet southerly of and parallel to the aforementioned southerly line of Sublot No. 5 in the F.R. Elliot Subdivision;

Thence westerly along said parallel line to its intersection with the centerline of W. 96th Street;

Thence northerly along said centerline of W. 96th Street to its intersection with the principal place of beginning. and as identified on the attached map is changed to a General Retail Business District and a 'C' Area District.

Section 6. That the changed designation of lands described in Section 1 through 5 shall be identified as Map Change No. 2391, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 401-12.

By Council Members Westbrook, Pruitt, Cimperman, Kelley, Mitchell, Cummins and J. Johnson.

An emergency ordinance to amend Section 171.65 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 411-11, passed July 20, 2011, to change the eligibility date for domestic partner benefits.

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 171.65 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 411-11, passed July 20, 2011, is amended as follows:

Section 171.65 Domestic Partner Benefits

(a) For the purpose of the following benefits, employees and their domestic partners registered pursuant to Chapter 109 **on or before March 30, 2012** and in full compliance with the domestic partnership criteria established in that chapter, shall be treated in the same manner as City employees and their spouses: hospitalization/health insurance, prescription drug program, dental care insurance, vision care insurance, sick leave and funeral leave for as long as the employees and domestic partners remain registered and remain in full compliance with the domestic partnership criteria.

(b) For the purpose of sick leave and funeral leave, employees and their domestic partners registered pursuant to Chapter 109 **after March 30, 2012** and in full compliance with the domestic partnership criteria established in that chapter shall be treated in the same manner as City employees and their spouses for as long as the employees and their domestic partners remain registered and remain in full compliance with the domestic partnership criteria. Domestic partners of employees who register with a City employee pursuant to Chapter 109 **after March 30, 2012** and who are in full compliance with the domestic partnership criteria established in that chapter, shall be eligible for inclusion in hospitalization/health insurance, prescription drug program, dental care insurance, and vision care insurance, if the employee contributes the difference between the full premium cost of the plan that the employee was eligible to choose without inclusion of the domestic partner and the full premium cost of the plan that the employee chooses after inclusion of the domestic partner, for as long as the employees and their domestic partners remain registered and remain in full compliance with the domestic partnership criteria.

(c) An employee's registered domestic partner and the partner's family shall be considered as "family members" with respect to City of Cleveland nepotism policies.

(d) The Director of Personnel and Human Resources shall make rules to govern provision of domestic partner benefits, which rules shall comply

with this section and which shall outline the evidence that shall be necessary to substantiate that the employee and domestic partner are in full compliance with the domestic partnership criteria established in Chapter 109. The rules shall also provide reporting requirements for a change in relevant circumstances and for submission of evidence as necessary for periodic review of compliance.

Section 2. That existing Section 171.65 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 411-11, passed July 20, 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 17. Nays 1.

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

Those voting nay: Council Member Reed.

Absent: Council Member Zone.

Ord. No. 407-12.

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

An emergency ordinance to amend Section 680.05 of the Codified Ordinances of Cleveland, Ohio, as amended by Ordinance No. 1375-02, passed November 25, 2002, relating to the criteria for installation, placement and maintenance of newspaper dispensing devices; and to supplement the codified ordinances by enacting new Section 680.051 relating to exceptions to newspaper dispensing devices color, maintenance, and identification criteria.

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 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1375-02, passed November 25, 2002, is amended to read as follows:

Section 680.05 Criteria for Installation, Placement and Maintenance of Newspaper Dispensing Devices

(a) *Location.* No newspaper dispensing device shall be installed, placed or maintained:

(1) in such manner as to rest, in whole or in part, in, on or over any portion of a roadway;

(2) in One-Family, Two-Family or Multi-Family districts of the City except in the vicinity of public bus stops and public bus shelters in accordance with the following:

A. where there is a concrete pad underlying a public bus stop which has no shelter, a newspaper dispensing device or devices may be placed

within two feet (2') of that edge of the concrete pad which is perpendicular to the curb edge of the roadway and furthest forward in the direction of traffic on the street (the "leading edge"). In the event that a bus company installs a concrete pad at a public bus stop where there is no shelter and subsequently makes application to the City to install a shelter upon that pad, any permit which has been issued for a newspaper dispensing device which is located upon that pad and which will not comply with the distance requirements contained in division (a)(2)B. of this section after installation of the shelter shall terminate upon notice from the City that the City has issued to the bus company a permit to erect a shelter;

B. where there is a concrete pad underlying a shelter at a public bus stop, a newspaper dispensing device or devices may be placed within two feet (2') of the leading edge of the concrete pad, provided that such placement will result in a clear space of five feet (5') along the entire width of the pad between the shelter and the newspaper dispensing device or devices;

C. The requirement set forth in division (a)(12) of this section shall not apply to any newspaper dispensing device which is in compliance with division (a)(2)A. or (a)(2)B. of this section;

D. Notwithstanding the provisions at the end of this division (a), a newspaper dispensing device which is in compliance with division (a)(2)A. or (a)(2)B. of this section may be placed more than thirty-six inches (36") from the curb edge of the roadway;

(3) within five feet (5') of any crosswalk; provided that in cases where there is a handicapped ramp to the street adjacent to a crosswalk, the five feet (5') required by this division shall be measured from the edge of the handicapped ramp that is furthest from the crosswalk;

(4) within five feet (5') of any fire hydrant, fire call box or police call box;

(5) within five feet (5') of any driveway;

(6) except in One-Family, Two-Family, or Multi-Family Districts:

A. where there is no bus shelter at a bus stop, within forty feet (40') back of a sign identifying a particular bus company or bus route number and marking a designated bus stop;

B. where there is a bus shelter at a bus stop, within five feet (5') forward and forty feet (40') back of the end of the shelter that is closest to the sign identifying a particular bus company or bus route number and marking a designated bus stop;

(7) within three feet (3') of any traffic sign;

(8) within three feet (3') of any public utility pole, provided further that placement adjacent to a public utility pole shall be limited to one side of the pole;

(9) within that portion of the sidewalk parallel to an area designated for handicapped parking, a taxi stand or a commercial loading or unloading zone;

(10) within the entire width of the area that is included in the prolongation, projected to the curb or the edge of the traversable roadway, or any primary entrance of a building; provided that for purposes of this division, a "primary entrance" is a building entrance with more than one (1) multi-leafed door;

(11) within three hundred feet (300') of any other newspaper dispensing device on the same side of the street in the same block which contains the same issue or edition of the same newspaper periodical or other publication;

(12) within three feet (3') of any public area improved with lawn, flowers, shrubs, trees, tree wells or tree grates;

(13) on a manhole cover, pull box or any other area of access to underground utilities;

(14) on either side of East 6th Street between Euclid Avenue and Superior Avenue and on either side of East 9th Street between Prospect Avenue and Lakeside Avenue, where the continuous, undivided space for the passageway of pedestrians is reduced to less than twelve feet (12'), and in all other areas, where the continuous, undivided space for the passageway of pedestrians is reduced to less than six feet (6'); and

(15) in a manner that unreasonably blocks, obstructs or restricts the free passage of pedestrians in the lawful use of the sidewalk.

In the Central Business District, except as noted below, newspaper dispensing devices shall not be permitted to be located alone and shall be placed in a group of newspaper dispensing devices adjacent to each other provided that no more than six (6) newspaper dispensing devices are adjacent to each other. For purposes of this provision, "adjacent" means flush against each other. If there is no group of newspaper dispensing devices within three hundred feet (300') of a proposed location for a single newspaper dispensing device, then that single device may stand alone subject to all other location restrictions. The prohibition on the location of single newspaper dispensing devices also shall not apply if the proposed single newspaper dispensing device is on the opposite side of the street or on a different block from the group. No group of newspaper dispensing devices shall be placed within fifty feet (50') of any other group of newspaper dispensing devices or single newspaper dispensing device. If an owner proposes a location in the Central Business District in which that owners' newspaper dispensing device would be standing alone, the Director shall notify that owner of the nearest group of dispensing devices.

Outside of the Central Business District, newspaper dispensing devices may be placed adjacent to each other provided that no more than four (4) newspaper dispensing devices are adjacent to each other. For purposes of this provision, "adjacent" means flush against each other. No group of newspaper dispensing devices shall be placed within fifty feet (50') of any other group of newspaper dispensing devices.

When a person requests the placement of a newspaper dispensing device outside of the Central Business District, the Director must send notice of such request to the councilmember of the ward in which the requested newspaper dispensing box is to be placed.

Newspaper dispensing devices shall be placed parallel to a curb, shall face away from the roadway and shall be placed no less than twenty-four inches (24") and no further than thirty-six inches (36") from the curb edge of the roadway.

(b) *Installation; Removal.* Newspaper dispensing devices shall be anchored to the sidewalk by a method approved by the Director of **Capital Projects** and shall not be cabled or chained or otherwise attached to any object or building except to any other newspaper dispensing devices. Upon removal of a newspaper dispensing device, the owner of such device shall be responsible for repairing any damage to the sidewalk caused by the installation or placement of such device. The extent of the repairs to the sidewalk shall be determined by the Director, provided that any such determination may be appealed to and reviewed by the Board of Zoning Appeals in accordance with the requirements contained in Section 680.06.

(c) *Size; Color; Maintenance.* **Except as may be temporarily permitted under Section 680.051, all newspaper dispensing devices shall:**

(1) not exceed fifty inches (50") in height, twenty inches (20") in width or twenty inches (20") in depth;

(2) be white in color and be of one of the two designs which have been approved and are on file with the City Planning Commission, one of which shall be a size which accommodates full sheet publications (the "full sheet device") and one of which shall be a size which accommodates tabloid publications (the "tabloid device");

(3) have a functioning coin return mechanism if a fee is charged;

(4) have affixed in a readily visible place a permit sticker and a notice setting forth the title, address and telephone number of a responsible officer or agent of the owner to contact to report a malfunction of the coin return mechanism;

(5) be maintained in a properly functioning, clean, neat and attractive condition, free of rust;

(6) not be used for advertising, signs or publicity purposes other than for the display, sale or purchase of the newspaper, periodical or publication therein; and

(7) not be stacked one on top of another.

(d) *Identification Signs.*

(1) The name of the publication using either the full sheet device or the tabloid device may be displayed within an area that is fifteen inches (15") in width and twelve inches (12") in height on the rear of the device. The letter size in this area shall not be larger than four inches (4"), the font shall be Univers and the color shall be PMS 300 a.k.a. Blue Scotchlite Ink 883, or its equivalent.

(2) On the front of the full sheet device, the name of the publication using the device may be displayed within an area that is fifteen inches (15") in width and twelve inches (12") in height. On the front of a tabloid device, the name of the publication using the device may be displayed within an area that is twelve and one-half inches (12 1/2") in width and eleven inches (11") in height. On either the full sheet device or the tabloid device, this area shall be called the "frontal area."

(3) The frontal area of any device may be configured as a slip panel to accommodate changeable advertising related only to the publication or its non-commercial contents.

(4) No publication may display its name or any other materials on the sides of the device.

(e) **The City Planning Commission shall create a special district for**

newspaper dispensing devices on Public Square because of the unique pedestrian and vehicular traffic patterns thereon. The Commission's resolution effecting the creation of such district shall specify the design or designs of newspaper dispensing devices within the district and the locations within the district upon which newspaper dispensing devices may be located, notwithstanding any other provisions of this section to the contrary. In determining the specific locations of newspaper dispensing devices within the district, the City Planning Commission shall apply standards that are no more restrictive, and may be less restrictive, than the provisions of division (a) of this section. The provisions of this section shall apply to all newspaper dispensing devices on Public Square. For purposes of this division, "Public Square" means the four (4) quadrants of Public Square and the sidewalks on either side of the roadways that bound and that intersect said quadrants.

(f) (1) Notwithstanding anything to the contrary contained in division (a)(2)B., (a)(6)B., (c)(1), (c)(2) or (c)(7) of this section, newspaper dispensing devices may be installed, placed, and maintained directly adjacent to and flush against that side of a public bus shelter which is perpendicular to the curb edge of the roadway and furthest forward in the direction of traffic on the street (the "downstream side"); provided, however, that if more than one owner desires to install a device at any one public bus shelter, only multiple-dispensing-device modular units may be installed, placed, and maintained at such location. No modular unit shall be installed unless and until the City Planning Commission has approved the design thereof. Where more than one newspaper dispensing device is located in the vicinity of the downstream side of a public bus shelter as of January 1, 1991, said devices may be moved adjacent to the downstream side of the shelter until such time as the City Planning Commission approves the design of a modular unit for that location. Owners installing modular units shall be responsible for their maintenance and shall purchase such units on terms and conditions upon which said owners mutually agree. Newspaper dispensing devices or modular units installed and maintained directly adjacent to the downstream side of public bus shelters may be placed so that the front of the device is perpendicular to or at an angle to the roadway; so long as such device or modular unit is placed adjacent to the downstream side of the shelter.

(2) If a bus company presents to the City Planning Commission a bus shelter design which incorporates newspaper dispensing devices or a modular frame therefor into the bus shelter, and if the City Planning Commission approves said design, the following shall not apply to any newspaper dispensing device which is incorporated into any such bus shelter or inserted into any such modular frame, provided that the bus shelter is installed pursuant to a permit duly issued by the City:

A. the weight requirements contained in division (d)(2) of Section 680.03;

B. the distance requirements contained in divisions (a)(2)B., (a)(6)B., and (a)(12) of this section; and

C. the design requirements contained in divisions (c)(1), (c)(2), and (c)(7) of this section.

(g) Subject to the provisions of the following sentences in this division and notwithstanding anything to the contrary contained in divisions (a)(2)A. or (a)(2)B. of this section, if a newspaper dispensing device is in place on a concrete pad at a public bus stop or public bus shelter in a One-, Two-, or Multi-Family District as of January 1, 1991, and if said device would otherwise not be permitted to remain at such location because the concrete pad is of insufficient size to accommodate the placement of such device in accordance with the provisions of divisions (a)(2)A. or (a)(2)B. of this section, said device may remain at the location it occupied as of January 1, 1991 until such time as the concrete pad underlying such public stop or public bus shelter is extended by the bus company and the pad is of sufficient size to accommodate the placement of such device. Any newspaper dispensing device that is permitted to remain at a public bus stop or public bus shelter as a result of the provisions of this division shall be removed by its owner if a public bus company installs a shelter on the concrete pad underlying a public bus stop or enlarges an existing shelter unless:

(1) the bus company enlarges the concrete pad underlying the public bus stop or bus shelter sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section; or

(2) the owner of the device extends the bus company's concrete pad sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section. In the event that the owner installs such an extension:

A. the owner shall be responsible for maintaining the extension of the concrete pad; and

B. if the owner removes the device, the owner shall promptly:

1. remove the extension of the concrete pad and restore the property underlying said extension to its condition prior to the installation of the extension; or

2. transfer its interest in the extension of the concrete pad to another owner on terms and conditions upon which the two owners mutually agree; or

3. transfer its interest in the extension of the concrete pad to the public bus company on terms and conditions upon which the owner and the public bus company mutually agree; provided that the Directors of **Capital Projects** and City Planning may, in their sole discretion, permit such concrete pad to remain in place, absent a transfer of interest pursuant to paragraph (2)B.2. or (2)B.3. of this division, upon such terms and conditions as said Directors mutually agree.

(h) Subject to the provisions of the following sentences in this division and notwithstanding anything to the contrary contained in divisions (a)(6) or (a)(12) of this section, if a newspaper dispensing device is in place on a concrete pad at a public bus stop or public bus shelter outside of the Central Business District as of January 1, 1991, and if such device would otherwise not be permitted to remain in the vicinity because a relocation of said device in order to com-

ply with the distance requirements of this section would result in the placement of said device at a prohibited location, said device may remain at the location it occupied as of January 1, 1991. Any newspaper dispensing device that is permitted to remain at a public bus stop or public bus shelter as a result of the provisions of this division shall be removed by its owner if a public bus company installs a shelter on the concrete pad underlying a public bus stop or enlarges an existing shelter unless:

(1) the bus company enlarges the concrete pad underlying the public bus stop or bus shelter sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section; or

(2) the owner of the device extends the bus company's concrete pad sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section. In the event that the owner installs such an extension:

A. the owner shall be responsible for maintaining the extension of the concrete pad; and

B. if the owner removes the device, the owner shall promptly:

1. remove the extension of the concrete pad and restore the property underlying said extension to its condition prior to the installation of the extension; or

2. transfer its interest in the extension of the concrete pad to another owner on terms and conditions upon which the two owners mutually agree; or

3. transfer its interest in the extension of the concrete pad to the public bus company on terms and conditions upon which the owner and the public bus company mutually agree;

provided that the Directors of **Capital Projects** and City Planning may, in their sole discretion, permit such concrete pad to remain in place, absent a transfer of interest pursuant to paragraph (2)B.2. or (2)B.3. of this division, upon such terms and conditions as said Directors mutually agree.

(i) Notwithstanding anything to the contrary contained in division (a)(6)A. or (a)(8) of this section, any newspaper dispensing device that is in place at a public bus stop and at least six inches (6") forward of a bus company sign which is located on a utility pole as of January 1, 1991, but that would not be permitted to remain at such location because of the requirements of division (a)(8) of this section, may remain at such location until such time as the bus sign is moved so as to allow sufficient space for the newspaper dispensing device to be located forward of the sign without violating any provision of this section; and, other than on Euclid Avenue, any newspaper dispensing device that is in place more than eight feet (8') back of a bus company sign at a public bus stop as of January 1, 1991 may remain at such location until such time as the bus sign is moved so as to allow sufficient space for the newspaper dispensing device to be located forward of the sign without violating any provision of this section.

Section 2. That existing Section 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1375-02, passed November 25, 2002, is repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 680.051 to read as follows:

Section 680.051 Exceptions to Newspaper Dispensing Devices Color, Maintenance, and Identification Criteria

(a) Notwithstanding and as an exception to divisions (c) and (d) of Section 680.05, the Director of Capital Projects, with prior concurrence of the Director of City Planning, may approve, based upon an application from the owner of a Newspaper Dispensing Device ("Device"), a change, for a temporary period not longer than six (6) months, to the appearance and/or identification of the device that those divisions prescribe if the Directors determine that the proposed change will serve a civic purpose. The application shall be submitted no less than 30 days prior to the first date on which a changed Device would be displayed at its location and shall include, at least, for the Device:

(1) The reason for the change(s) to the Device for which approval is requested;

(2) The specific location and identification of the Device and a copy of or all information on the permit sticker affixed to the Device;

(3) The first and last dates of the continuous temporary period during which the owner desires to display the changed Device;

(4) The name, title, address, telephone number(s), and e-mail address of the responsible officer, agent, or other contact person of the Device owner;

(5) A color photograph of the Device at its location taken within 60 days prior to the application and from a distance sufficient to see both its detail and the streetscape context in which it is placed; and

(6) A detailed color representation of the changed appearance and/or identification of the Device requested or its design.

(b) Upon expiration of the approved temporary period for display of a changed Device, the owner shall immediately restore the Device to its former appearance and/or identification and location, or other appearance and/or identification that complies with Section 680.05. If the owner fails to do so, the City may remove and store the Device in the City's custody, at the owner's sole liability and costs fixed by the Commissioner of Assessments and Licenses, until the owner restores or replaces it with a complying Device. The City shall exercise reasonable care in removing and storing a Device under this division (b) but shall have no liability for the condition of the Device or any damage to it in connection with removal and storage.

Section 4. That new Section 680.051 as enacted by this ordinance shall expire and be of no further force and effect six months after the date of passage of 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.

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. 260-A-12. (As a substitute for Res. No. 260-12)

By Council Member Cimperman (By Request)

An emergency resolution declaring the intent to vacate a portion of Decatur Court S.E. (16.5 feet wide).

Whereas, this Council is satisfied that there is good cause to vacate a portion of Decatur Court S.E. (16.5 feet wide), as described; and

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

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

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

Being all that portion of Decatur Court S.E. (16.5 feet wide) extending from the south right of way line of Carnegie Avenue southerly to the limited access right of way of the Inner Belt Freeway.

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

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

Without objection, substitute Resolution agreed to. Resolution No. 260-12 laid on the table pursuant to Rules of Council.

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. 410-12.

By Council Member Brancatelli.

An emergency resolution objecting to a New C1 Liquor Permit at 3807 East 71st Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Elizabeth J. Chalasinski, 3807 East 72nd Street, Cleveland, Ohio 44105, Permanent Number 1414107; 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 Elizabeth J. Chalasinski, 3807 East 71st Street, Cleveland, Ohio 44105, Permanent Number 1414107, 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. 411-12.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1822-26 West 25th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Jay Bridge Foods, Inc., DBA Gateway Food Market, 1822-26 West 25th Street, Cleveland, Ohio 44113, Permanent Number 4255501 to Ohio City Beverage, LLC, 1822-26 West 25th Street, Cleveland, Ohio 44113, Permanent Number 6516162; 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 C2 and C2X Liquor Permit from Jay Bridge Foods, Inc., DBA Gateway Food Market, 1822-26 West 25th Street, Cleveland, Ohio 44113, Permanent Number 4255501 to Ohio City Beverage, LLC, 1822-26 West 25th Street, Cleveland, Ohio 44113, Permanent Number 6516162; 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. 412-12.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of Liquor License of a D1, D2, D3 and D3A Liquor Permit to 1900 West 25th Street.

Whereas, Council has been notified by the Department of Liquor

Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Jay Bridge Foods, Inc., DBA Gateway Food Market, 1822-26 West 25th Street, Cleveland, Ohio 44113, Permanent Number 4255501 to Ohio City Beverage, LLC, 1822-26 West 25th Street, Cleveland, Ohio 44113, Permanent Number 6516162; 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 C2 and C2X Liquor Permit from Jay Bridge Foods, Inc., DBA Gateway Food Market, 1822-26 West 25th Street, Cleveland, Ohio 44113, Permanent Number 4255501 to Ohio City Beverage, LLC, 1822-26 West 25th Street, Cleveland, Ohio 44113, Permanent Number 6516162; 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. 413-12.

By Council Member Kelley.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 3314 Broadview Road and repealing Resolution No. 988-11, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 3314 Broadview Road by Resolution No. 988-11 adopted by the Council on July 20, 2011; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Broadview Sports Bar & Grill, Inc., DBA Nyuk Nyuks Bar & Grill, Inc., 3314 Broadview Road, Cleveland, Ohio 44109, Permanent Number 6483695 be and the same is hereby withdrawn and Resolution No. 988-11, 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. 414-12.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 19003 St. Clair Avenue and repealing Resolution No. 120-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to Professional Tavern Management, LLC, DBA Coachs Place, 19003 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44119, Permanent No. 7093275, by Resolution No. 120-12 adopted by the Council on January 30, 2012; and

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

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

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

Section 1. That objection to a transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to Professional Tavern Management, LLC, DBA Coachs Place, 19003 St. Clair Avenue, Cleveland, Ohio 44119, Permanent No. 7093275, be and the same is hereby withdrawn and Resolution No. 120-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 415-12.

By Council Member Zane.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 4310-12 Clark Avenue and repealing Resolution No. 989-11, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit 4310-12 Clark Avenue by Resolution No. 989-11 adopted by the Council on July 20, 2011; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to E J Tavern, Inc., DBA Romeo's, 4310-12 Clark Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 2389493 be and the same is hereby withdrawn and Resolution No. 989-11, 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. 416-12.

By Council Members K. Johnson, Pruitt, Mitchell, Sweeney, Polensek, Miller, Brancatelli, Westbrook, Cleveland and Kelley.

An emergency resolution calling upon the County Council and County Executive to re-evaluate the consumer protection services they currently provide and urging them to expand such services to better meet the needs of the residents of Cuyahoga County.

Whereas, for the past over 40 years, low income residents in the City and in Cuyahoga County have received superior consumer protection services provided through the County government; and

Whereas, in the past year, the services provided by the County have deteriorated and low-income residents are not receiving adequate money management, financial counseling and other consumer services they need and deserve; and

Whereas, this Council receives daily complaints from constituents regarding ineffective and inefficient services from the consumer protection arm of Cuyahoga County; and

Whereas, this Council believes that the current inadequate consumer services leaves an entire population of both the City and the County underserved; and

Whereas, this Council believes it is important for the Cuyahoga County Executive and County Council to seek proposals at the appropriate time in order to contract with an entity that will provide improved consumer protection services to low-income consumers in Cuyahoga County and the City of Cleveland; and

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

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

Section 1. That this Council hereby calls upon the County Council and County Executive to re-evaluate the consumer protection services they currently provide and urges them to expand such services to better meet the needs of the residents of Cuyahoga County.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Ed Fitzgerald, Cuyahoga County Executive and each member of the Cuyahoga County Council.

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. 417-12.

By Council Members Westbrook, Cleveland, Cimperman, Sweeney, Brancatelli, Mitchell, Pruitt, Brady, J. Johnson, Keane, Polensek, K. Johnson and Reed.

An emergency resolution supporting and encouraging the rights of janitors to a livable wage, health insurance, job security, safe working conditions and union contract and commending the Service Employees International Union, Local 1, for its untiring efforts to fight for rights, respect and better conditions for these workers and urging owners and managers of local office buildings to recognize the hard work of those in their buildings represented by Local 1.

Whereas, this Council is concerned about the increasing disparity in our City between the wealthy and the poor; and

Whereas, the existence of too many low-wage jobs means that too many people are stuck in a cycle of poverty, which in turn threatens the viability of our neighborhoods; and

Whereas, these problems threaten to divide our society and undermine the prosperity and well-being of all of us; and

Whereas, many of the working poor are in the service sector, the fastest growing portion of our economy; and

Whereas, the members of the Service Employees International Union (SEIU), Local 1, have dedicated themselves to organizing and improving the lot of service sector workers and janitors in Cleveland; and

Whereas, a vast majority of janitors in office buildings in downtown Cleveland are members of SEIU Local 1 and have won a living wage and health care through collective bargaining; 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 and encourages the rights of janitors to a livable wage, health insurance, job security, safe working conditions, and a union contract and commends the members of the Service Employees International Union, Local 1, for their untiring efforts to fight for rights, respect and better conditions for Cleveland workers.

Section 2. That this Council urges owners and managers of local office buildings to recognize the hard work of those in their buildings represented by Local 1.

Section 3. That the Clerk of Council is directed to transmit copies of this resolution to Dennis Dingow at the Service Employees Union, Local 1.

Section 4. 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. 1607-11.**

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

An emergency ordinance authorizing the Mayor and Directors of Public Works and Port Control to enter into a Third Amendment and Restatement to Common Area Maintenance Agreement No. 48828 with the Cleveland-Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc., the Great Lakes Museum of Science, Environment and Technology, and the Cleveland Browns Stadium Company LLC ("Stakeholders"), to replace the Cleveland-Cuyahoga County Port Authority as manager, to employ consultants, expend funds, and purchase insurance for the Common Area as required; to establish a CAM special revenue fund; and authorizing contracts to operate, maintain and manage the Common Areas.

Approved by Directors of Port Control, Public Works, Finance, Law; Relieved of Committee on Public Parks, Properties and Recreation; Passage recommended by Committees on Aviation and Transportation, Finance, when amended, as follows:

1. In Section 2, line 1, and in Section 3, line 1, between "Control" and "is" insert ", subject to further ordinance authority from the Council."

2. In Section 4, at the end, insert the following new sentence: "**The Director of Port Control shall submit a financial report to the Council twice each year detailing deposits into and use of funds in the CAM Fund.**"

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

Those voting nay: None.

Absent: Council Member Zone.

Pursuant to Rule 19 of the Rules of Council, Council Member Sweeney recused himself from the vote regarding Ordinance No. 1605-11.

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. 1716-11.

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

An emergency ordinance to amend Section 135.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 661-09, passed June 1, 2009, relating to the maximum age for original appointment to the Divisions of Police and Fire.

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

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

Ord. No. 263-12.

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

An emergency ordinance authorizing the Directors of Public Works and Finance to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Public Works and the Project Clean program and for the Department of Finance, for a period not to exceed one year.

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

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

THIRD READING EMERGENCY ORDINANCE PASSED

Ord. No. 137-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance to make appropriations and provide current expenses for the daily operation of all municipal departments of the City of Cleveland for the fiscal year from January 1, 2012 until December 31, 2012.

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

MOTION

By Council Member Brady, seconded by Council Member Westbrook and unanimously carried that the absence of Council Member Matthew Zone, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:30 p.m. to meet on Monday, April 2, 2012 at 7:00 p.m. in the Council Chambers.



Sandra Franklin
City Clerk, Clerk of Council
Pro Tempore

THE CALENDAR

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

NONE

BOARD OF CONTROL

March 21, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 21, 2012 at 10:39 a.m. with Acting Director Horvath presiding.

Present: Acting Directors Horvath, Dangerfield, Directors Cox, Butler, Acting Director Bounds, Directors

Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Directors Dumas and Withers.

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

C. Whitaker, Acting Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 122-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by The Great Lakes Construction Co. under Contract No. P12011*005 for the Crown Chemical Systems Upgrade and Miscellaneous Improvements Project No. 599, for the Division of Water, Department of Public Utilities, is approved:

| <u>Subcontractors</u> | <u>Work Percentage</u> |
|--|---------------------------|
| Access Floor Specialists | \$ 16,250.00 0.150% |
| Americut Coring & Sawing Inc. | \$ 5,385.28 0.050% |
| Art Window Coverings, Inc. | \$ 5,775.00 0.053% |
| Carron Asphalt Paving, Inc. | \$ 34,500.00 0.319% |
| Corporate Floors Inc. | \$ 21,700.00 0.201% |
| CRS Metalworx | \$ 322,050.00 2.980% |
| Educational Equipment | \$ 4,307.00 0.040% |
| Fire-Tech Inc. | \$ 8,500.00 0.079% |
| Guist Decorators | \$ 570,257.00 5.276% |
| Lake Erie Electric Inc. | \$ 1,030,000.00 9.529% |
| MetalCraft | \$ 88,254.00 0.817% |
| Nicholson Construction Co. | \$ 67,000.00 0.620% |
| Pinnacle Glass, Inc. | \$ 39,500.00 0.365% |
| Ram Construction Services | \$ 5,900.00 0.055% |
| Rayhaven Group | \$ 23,862.00 0.221% |
| Schindler Elevator Corp. | \$ 104,682.00 0.969% |
| South Shore Diving and Harbor Services, Inc. | \$ 5,415.00 0.050% |
| Tri-State Tool & Hoist | \$ 11,960.00 0.111% |

VanCuren Services, Inc. \$ 3,100.00
0.029%

Warren Roofing and Insulating Co. \$ 26,000.00
0.241%

Western Reserve Mechanical \$ 71,000.00
0.657%

The Whitacre Engineering Company \$ 113,297.00
1.048%

Yeas: Acting Directors Horvath, Dangerfield, Directors Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Withers.

Resolution No. 123-12.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1508-11, passed by the Council of the City of Cleveland on December 5, 2011, RW Armstrong & Assoc., Inc. is selected upon the nomination of the Director of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Larchmere Streetscape Rehabilitation. (Martin Luther King Jr. Blvd. to North Moreland Blvd.)

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with RW Armstrong & Assoc., Inc. based on its proposal dated January 20, 2012, as amended by its revised cost proposal dated February 23, 2012, provided that the compensation to be paid shall not exceed \$264,761.00. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by RW Armstrong & Assoc., Inc. for the above authorized contract is approved:

Michael Benza & Assoc.
(CSB) — \$38,200.00 — (14.43%)

Behnke & Assoc., Inc.
(CSB) — \$43,875.00 — (16.57%)

S.E. Blueprint, Inc.
(CSB) — \$5,000.00 — (1.89%)

Suhail & Suhail
Other — \$16,628.00

Yeas: Acting Directors Horvath, Dangerfield, Directors Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Withers.

Resolution No. 124-12.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 912-11, passed by the Council of the City of Cleveland on August 17, 2011, DLZ Ohio, Inc. is selected upon the nomination of the Director of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Rehabilitation of Triskett Avenue. (Lorain Ave. to W. 117th St.)

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with DLZ Ohio, Inc. based on its proposal dated January 13, 2012, as amended by its revised cost proposal dated February 16, 2012, provided that the compensation to be paid shall not exceed \$417,469.00. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by DLZ Ohio, Inc. for the above authorized contract is approved:

Euthenics, Inc.
(CSB) — \$134,027.00 — (32.11%)

S.E. Blueprint
(CSB) — \$7,417.00 — (1.78%)

ASC Group, Inc.
(FBE) — \$7,397.00

Yeas: Acting Directors Horvath, Dangerfield, Directors Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Withers.

Resolution No. 125-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 133-25-010 located at 3754 East 93rd Street in Ward 5; and

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

Whereas, Clyde B. Johnson, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for green space; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Clyde B. Johnson for the sale and development of Permanent Parcel No. 133-25-010 located at 3754 East 93rd Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Acting Directors Horvath, Dangerfield, Directors Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and 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, APRIL 9, 2012

9:30 A.M.

Violation Notice

Calendar No. 12-35: 3730 West 36th Street (Ward 14)

Nicholas Dionisopoulos, owner, appealed under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Department of Building and Housing on January 31, 2012 for illegally converting the property at 3730 West 36th Street from an authorized occupancy for 2DU/two family to 1DU/one family without the required permits.

Calendar No. 12-41: 5377 Stanard Avenue (Ward 8)

Goodrich-Gannett Neighborhood Center, owner, and SAW, Inc., prospective lessee, appeal to construct a greenhouse on multiple parcels located in a B1 Two-Family District on the north side of Stanard Avenue between East 53rd and Marquette Streets; subject to the provisions under Sections 349.07(b) and 349.08, accessory off-street parking spaces shall be provided with wheel or bumper guards located so that no part of a parked vehicle will extend beyond such parking space, and where five (5) or more accessory off-street parking spaces are provided and located on a lot adjacent to a Residence District or one that adjoins a building containing dwelling units, such parking spaces shall be screened by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide, densely planted with shrubs that form a dense screen year-round; and such wall, fence or shrubs shall be at least three (3) feet but not more than six (6) feet in height. Landscaped strips shall be separated by curbing according to Section 352.05(g) and under the provisions in Section 357.04(a), a required front yard setback is fifteen percent (15%) of the depth of the lot or a distance equal to approximately eighteen (18) feet; and according to Section 357.14(a)(1) the parking of motor vehicles within the front yard setback is prohibited; and by the limitations in Section 358.04(a) fences in actual front yards shall not exceed four (4) feet in height in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-42: 19603 Nottingham Road (Ward 11)

Angela Cavotta, owner, appeals to install 75 linear feet of 6-foot high decorative fence in the actual front yard of a property that is 75 feet deep and approximately 500 feet wide and nearly 500 feet deep in a Semi-Industry District; contrary to zoning code Section 358.05(a)(1) that restricts fence height in actual front yards in non-residential districts, other than General or Unrestricted Industry Districts, to a limit of 4 feet in height; and the term "actual yard" shall refer to the

entire lot area between a main building and the corresponding lot line, according to Section 358.02(e) in the Cleveland Codified Ordinances.

Calendar No. 12-45: 2621 West 25th Street (Ward 14)

L J Minor, owner, appeals to establish a parking lot on acreage located between Barber Avenue and Potter Court in a C1 Multi-Family District; the proposed use subject to the provisions under Section 349.13(c) that authorize the Board of Zoning Appeals to permit, temporarily or permanently, the use of land in a Residence District, other than a Limited One Family District, when the best interests of the community will be served and provided that (1) the lot is used only for parking passenger automobiles of employees, customers or guests of the person or firm responsible for operating and maintaining the lot; (2) no charge is to be made for parking on the lot; (3) the lot is not to be used for sales, repair work or servicing of any kind; (4) entrance to and exit from the lot are to be located so as to do the least harm to the Residence District; (5) no advertising sign or material is to be located on the lot; (6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; (7) the parking lot and portion of the driveway back of the building line are to be adequately screened from the street and adjoining residential district property by a hedge, slightly fence or wall, not less than 4 feet 6 inches high but not more than 5 feet high, and located back of the setback building line; with all lighting arranged so that no glare annoys occupants of adjoining property in a Residence District and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained; and in accordance with Sections 349.13(c)(8) and (9) the building permit number under which the lot is established is to be posted and such other and further conditions as the Board may impose as necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District where the parking lot is to be located.

Calendar No. 12-46: 4705 West 157th Street (Ward 18)

Cuyahoga County Land Reutilization Corporation, owner, appeals to erect a 20' x 20' one-story, frame gable garage on a 40.8' x 267' lot located in an A1 One-Family District; contrary Section 337.23(a) a rear half lot of 92 feet is requested and a rear half of lot that equals 133.5 feet is required.

Calendar No. 12-47: 1450 West 48th Street (Ward 15)

Scott Francis, owner, appeals to erect an 18' x 26.4' second story, frame bedroom addition above a single family residence, located on a 29' x 94' lot in a B1 Two-Family District; contrary to Section 357.09(2)(A) a distance of 7.59 feet is requested and no building shall be erected less than 10 feet from a main building on an adjoining lot in a Residence District; and existing

nonconforming buildings require the Board of Zoning Appeals approval in accordance with Section 359.01(a) of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 26, 2012

At the meeting of the Board of Zoning Appeals on Monday, March 26, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-33: 3122 West 33rd Street

The San Lorenzo Club appealed to construct a parking lot on a parcel in a B1 Two-Family District; subject to condition.

Calendar No. 12-34: 3124 West 32nd Street

The San Lorenzo Cub appealed to construct a parking lot on a parcel located in a B1 Two-Family District; subject to condition.

Calendar No. 12-36: 8129 Otter Avenue

The City of Cleveland, owner, and prospective tenant, Rid-All Corporation, appealed to install approximately 1,010 linear feet of 6 feet high chain link fence in the actual front and side street yards along Otter Avenue, East 81st Street and East 83rd Street in a Semi-Industry District.

Calendar No. 12-38: 7007 Broadway Avenue

Third Federal Savings and Loan appealed to expand a parking lot area on acreage in C1 General Retail Business and B1 Two-Family Districts.

The following appeals were **DISMISSED:**

None.

The following appeal was **WITHDRAWN:**

Calendar No. 12-13: 1311 East 91st Street

Brightside Manor LLC/Yvonne Hyatt, tenant, and Beryl M. Gray, owner, appealed to change use of a single family house to a group home to be licensed by the Ohio Department of Mental Health for the care of eight (8) female residents with on-site staff supervision in a Two-Family District.

The following appeals were **POSTPONED:**

Calendar No. 10-194: 4300 Bradley Road postponed from April 2, 2012 to December 3, 2012.

Calendar No. 10-259: 4300 Bradley Road postponed from April 2, 2012 to December 3, 2012.

Calendar No. 10-260: 4300 Bradley Road postponed from April 2, 2012 to December 3, 2012.

The following appeals heard by the Board on March 19, 2012 were adopted and approved on March 26, 2012.

The following appeals were **APPROVED:**

Calendar No. 12-29: 5033 Broadway Avenue

City of Cleveland Department of Community Development, owner, and Fast Track Cycling, prospective tenant, appealed to construct an outdoor velodrome cycling tract and use of property for cycling activities, events and competitions in B1 and C2 General Retail Business and P1 Parking Districts.

Calendar No. 12-31: 2020 West 28th Street

St. Ignatius High School appealed to expand a parking lot located between Chatham and Lorain Avenues in a B1 Two-Family District.

Calendar No. 12-37: 1234 East 84th Street

Jonathan Huckins, owner, and Helen Jackson, tenant, appealed to erect a pre-manufactured wheelchair lift in the front yard of a dwelling in a B1 Two-Family District.

The following appeal heard by the Board on December 19, 2011 was adopted and approved on March 26, 2012.

The following appeal was **APPROVED:**

Calendar No. 11-228: 1206 East 81st Street

George Alston appealed to erect a wooden open front porch to a one family dwelling in a B1 Two-Family District; subject to condition.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, APRIL 11, 2012

File No. 28-12 — Emergency Generator Replacement 5th District Police Headquarters, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 29, 2012 AT 10:00 A.M. THE CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 29-12 — McCafferty Health Center Lighting Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 29, 2012 AT 2:00 P.M. THE CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 21, 2012 and March 28, 2012

WEDNESDAY, MAY 23, 2012

File No. 30-12 — CMF, Phase IIIB - Chemical Storage Facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 904-09, passed by the Council of the City of Cleveland, November 9, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, APRIL 11, 2012 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 21, 2012 and March 28, 2012

WEDNESDAY, APRIL 11, 2012

File No. 36-12 — Citywide Scrap Metal Surplus - Sales 2012-2015, for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.18 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, APRIL 3, 2012 AT 11:00 A.M. LOCATED AT THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 28, 2012 and April 4, 2012

THURSDAY, APRIL 19, 2012

File No. 37-12 — Michael J. Zone Recreation Center New Concession Building, 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 10, 2010.

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

PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 5, 2012 AT 10:00 A.M. LOCATED AT THE CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 28, 2012 and April 4, 2012

WEDNESDAY, APRIL 25, 2012

File No. 38-12 — Warner Swasey Asbestos Abatement, for the Division of Economic Development, Department of Economic Development, as authorized by Ordinance No. 765-11, passed by the Council of the City of Cleveland, June 6, 2011.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF 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** TUESDAY, APRIL 10, 2012 AT 9:00 A.M. LOCATED AT CLEVELAND CITY HALL, THE DEPARTMENT OF ECONOMIC DEVELOPMENT, ROOM 210, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THIS PRE-BID MEETING WILL INCLUDE A SITE WALK THROUGH.

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

March 28, 2012 and April 4, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 252-12.

By Council Member Miller.

An emergency resolution supporting certain amendments to U. S. Senate Bill 1813, the transportation authorization legislation.

Whereas, U.S. Senate Bill 1813 ("S 1813"), is the 2 year surface transportation authorization bill funding federal highway, transit and bridge programs; and

Whereas, S 1813 as written, generally takes certain funding away from local governments as well as local governments' ability to control the allocation of money and gives more authority to the states to allocate transportation funds; and

Whereas, certain amendments to S 1813 seek to restore local funding and local authority over the allocation of transportation funds; and

Whereas, as written, S 1813 would shift more authority to states to control the allocation and programming of transportation dollars into a newly created Transportation Mobility Program ("TMP") and end several locally targeted programs, thereby reducing the overall funding directed to local governments; the Begich amendment would

restore the local share of funding under the TMP program contained in S 1813; and

Whereas, S 1813 would collapse federal bridge programs into a larger program for states to spend on all transportation programs and eliminates a 15 percent set-aside for off-system bridges which funds local bridges; the Casey-Blunt amendment would provide full funding for the 15 percent set-aside to fund local off-system bridges; and

Whereas, current law provides that areas over 50,000 in population are designated as a metropolitan planning organization ("MPO") and have regional planning responsibilities and decision making authority over transportation and other projects in their region. S 1813 would change that threshold to 200,000 in population and set up new criteria for remaining as an MPO; the Shaheen amendment would grandfather in existing MPOs; and

Whereas, S 1813 creates a new program called "Additional Activities" that includes a broad range of eligible projects such as Main Street revitalizations, local street safety improvements, and Safe Routes to Schools, among many others; the Cardin-Cochran amendment would turn that Additional Activities program into a competitive grant program for local governments, giving local elected leaders more control over how to spend the funds; 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 certain amendments to U.S. Senate Bill 1813, the transportation authorization legislation.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the appropriate persons at the National League of Cities and to Senators Sherrod Brown and Rob Portman.

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

Adopted March 19, 2012.

Effective March 22, 2012.

**Res. No. 259-12.
By Mayor Jackson and Council Member Zone.**

An emergency resolution urging local area municipalities, public and private businesses and individuals to support "Earth Hour 2012" by turning off their lights for one hour, from 8:30 pm to 9:30 pm on Saturday, March 31, 2012.

Whereas, on March 31, 2012, the world will once again observe "Earth Hour" when hundreds of millions of people, organizations, corporations and governments around the world will come together to make a bold statement about their concern for climate change by turning off their lights for one hour

between the 8:30 pm and 9:30 pm; and

Whereas, in the United States, participants will turn off their lights, sending a clear message that we want to "turn out the lights" on dirty air, dangerous dependency on foreign oil and costly climate change impacts, and make the switch to cleaner air, a strong economic future and a more secure nation; and

Whereas, since its inception five years ago, Earth Hour has become a global phenomenon; and

Whereas, more than 5,200 cities and towns in 135 countries worldwide switched off their lights for Earth Hour 2011, sending a powerful message for action on climate change; also in 2011, members went Beyond the Hour to commit to lasting action for the planet; and

Whereas, as in years past, during Earth Hour 2012, iconic buildings and landmarks from Asia Pacific to Europe and Africa to the Americas will be switched off; people across the world from all walks of life will turn off their lights and come together in celebration and contemplation of the one thing we all have in common - our planet; and

Whereas, in past years, landmarks from around the world went dark for Earth Hour, including: the Empire State Building; the Brooklyn Bridge; Broadway Theater Marquee; the Las Vegas Strip; United Nations Headquarters; the Golden Gate Bridge; Seattle's Space Needle; Church of Latter-Day Saints Temple; the Gateway Arch in St Louis; the Great Pyramids of Giza; the Acropolis and Parthenon in Athens; Christ the Redeemer Statue in Rio de Janeiro; St. Peter's Basilica in Vatican City; Big Ben and Houses of Parliament in London; Elysee Palace and Eiffel Tower in Paris; Beijing's Bird Nest and Water Cube; Symphony of Lights in Hong Kong; and Sydney's Opera House; and

Whereas, all Northeast Ohio municipalities, businesses and citizens should pledge to participate in this year's Earth Hour; and

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

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

Section 1. That this Council urges local area municipalities, public and private businesses and individuals to support "Earth Hour 2012" by turning off their lights for one hour, from 8:30 pm until 9:30 pm on Saturday March 31, 2012.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Joe Roman, President and Chief Executive Officer, Greater Cleveland Partnership; Joseph Marinucci, President & CEO of Downtown Cleveland Alliance; and Cuyahoga County Executive Ed Fitzgerald.

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

Adopted March 19, 2012.

Effective March 22, 2012.

Ord. No. 1573-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Motorola Solutions, Inc. for subscriber units and related materials, equipment, supplies, and services necessary to operate, maintain, and repair the 800 MHz radio system, including maintenance, labor, and installation of equipment, for the Department of Public Utilities for a period not to exceed two years.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Motorola Solutions, Inc. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Motorola Solutions, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed two years for subscriber units and related materials, equipment, supplies, and services necessary to operate, maintain, and repair the 800 MHz radio system, including maintenance, labor, and installation of equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

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 2001, RL 2011-47)

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 Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed March 19, 2012.

Effective March 22, 2012.

Ord. No. 1605-11.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Third Amendment to the Dock Lease, Contract No. 39455, with the Cleveland-Cuyahoga County Port

Authority to extend the term on Docks 24, 26, & 28A and terminate the leasehold on Docks 30 and 28B, and to authorize a contract with the Port Authority to perform certain harbor related duties.

Whereas, under Ordinance No. 2818-A-86, passed December 21, 1987, this Council authorized the Mayor and the Director of Port Control to enter into Contract No. 39455 with the Cleveland-Cuyahoga County Port Authority ("Port Authority") for the lease of premises commonly known as Docks 32, 30, 28, 26 and 24 located in the City of Cleveland (the "Dock Lease"); and

Whereas, under Ordinance No. 817-03, passed October 6, 2003, as amended by Ordinance No. 946-04, passed June 14, 2004, this Council authorized an amendment to the Dock Lease to provide that the Port Authority vacate Dock 32 and for a corresponding rent reduction; and

Whereas, under Ordinance No. 817-03, passed October 6, 2003, as amended by Ordinance No. 946-04, passed June 14, 2004, this Council authorized a Second Amendment to the Dock Lease extending the lease term for the use of Docks 24, 26 & 28A an additional 15 years, terminating in the year 2043, and allowing the City to remove Dock 30 and/or Dock 28B upon delivering to the Port Authority written notice not less than five years prior to the intended date of removal ("Removal Notice Requirement"); and

Whereas, the Port Authority has expressed a willingness based on its expertise and resources to perform duties in the harbor related to preventing obstructions in the harbor, the preservation of adequate retaining works (bulkheads), and preventing encroachments and dumping of materials in the harbor; and

Whereas, a Third Amendment to the Dock Lease is necessary as consideration for the assumption of these duties by the Port Authority; 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 enter into a Third Amendment to the Dock Lease to:

(i) confirm the existing boundary line between Dock 28A and Dock 28B;

(ii) extend the lease term for the use of Docks 24, 26 & 28A an additional 15 years from 2043 to 2058;

(iii) delete the Removal Notice Requirement; and

(iv) terminate the Port Authority's leasehold interest in Docks 30 and 28B.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts with the Port Authority to perform certain navigation, commerce, and maritime trade duties and enforcement responsibilities with respect to the harbor for a term not to exceed 47 years. The duties to be performed by the Port Authority are set forth in Sections 573.02 to 573.08 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 3. That the Third Amendment to the Dock Lease shall provide that so long as the Port Authority performs harbor duties under contract as specified in this ordinance, the Port Authority shall be entitled to receive an annual abatement of rental payments due on the lease of Docks 24, 26

& 28A, in an amount not to exceed \$250,000 per year.

Section 4. That the Third Amendment to the Dock Lease and all other contracts necessary to enable the Port Authority to perform certain harbor duties shall be prepared by the Director of Law and approved by the Director of Port Control.

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 March 19, 2012.

Effective March 22, 2012.

**Ord. No. 1606-11.
By Council Members Keane, Mitchell and Sweeney (by departmental request).**

An emergency ordinance to repeal Sections 573.01 to 573.09 and 573.99 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended and enacted by various ordinances; and to supplement the codified ordinances by enacting new Sections 573.01 to 573.09 and 573.99 relating to Cleveland Harbor, its boundaries, obstructions, retaining works, and encroachments.

Whereas, certain sections of the Codified Ordinances of Cleveland, Ohio, 1976, which define the boundaries of Cleveland's harbor and set forth duties and enforcement responsibilities that relate to preventing obstructions in the harbor, the preservation of adequate retaining works (bulkheads) along the harbor, and preventing encroachments and dumping of materials in the harbor need to be updated; 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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 573.01, as amended by Ordinance No. 1484-54, passed June 21, 1954,

Section 573.02, as amended by Ordinance No. 861-08, passed July 2, 2008,

Section 573.03, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

Sections 573.04 and 573.05, as amended by Ordinance No. 861-08, passed July 2, 2008,

Sections 573.06 and 573.07, as amended by Ordinance No. 1484-54, passed June 21, 1954,

Section 573.08, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

Section 573.09, as amended by Ordinance No. 1484-54, passed June 21, 1954, and

Section 573.99, as amended by Ordinance No. 861-08, passed July 2, 2008 are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 573.01 to 573.09 and 573.99 to read as follows:

Section 573.01 Harbor Boundaries Defined

The Harbor shall consist of that portion of the Cuyahoga River from

the Newburg and South Shore Railroad Bridge to the east and west pier lights on the south shore of Lake Erie, the Old River Channel from Channel Park Marina to the channels confluence with the Cuyahoga River at Willow Street, that portion of Lake Erie within the federal breakwater between the western end of the Cleveland Bulk Terminal and the lake approach to the east entrance light on the federal breakwater at approximately East 72nd Street, and the lake approach to the Cuyahoga River from Lake Erie between the east and west pierhead lights on the federal breakwater and the mouth of the river at the south shore of Lake Erie. A map showing the boundaries of the Harbor as described in this section is contained in File No. 1606-11-A.

Section 573.02 Removal of Obstructions in Harbor; Notice; Enforcement

(a) The existence of obstructions in the Harbor that cause or potentially cause interference with the use and enjoyment of the Harbor constitute a public nuisance which may affect or endanger the health, safety and welfare of the public. The Director of Port Control, or the Director's designee, shall investigate and take appropriate measures to cause the abatement of any nuisance found to exist with obstructions in the Harbor.

(b) No person shall fail or refuse to comply with an order issued by the Director of Port Control, or the Director's designee, as provided in this section.

(c) Whenever the Director of Port Control, or the Director's designee, determines that there exists an obstruction within the limits of the Harbor constituting a nuisance to be removed, the Director, or the Director's designee, shall cause written notice to be served by certified mail on the owner of the lot or land bounding or abutting the Harbor where the obstruction is located, or the owner's agent, ordering the removal of the obstruction. The notice shall describe the obstruction, provide the date by which the obstruction is to be removed, and contain such additional information as the Director, or the Director's designee, deems necessary. The notice shall be addressed to the owner, or the owner's agent, at their last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of the certified mail notice that the owner or owner's agent, cannot be found, notice shall be served by publication of the notice once in a newspaper of general circulation in the City.

(d) If the obstruction is not removed by the owner or the owner's agent within the time period specified in the notice, the Director of Port Control, or the Director's designee, may have the obstruction removed at the expense of the owner, and, if the owner does not pay the cost of the removal, refer the cost of the removal to the County to be assessed against the property and thereby made a lien upon it and collected as other taxes.

Section 573.03 Retaining Works in the Harbor

For the free, convenient and safe navigation within the Harbor and in order to provide against the subsidence, washing, falling or depositing therein of earth or any other material from the abutting land by reason of

any work or structure erected or maintained thereon, or material deposited or operations conducted therein, retaining works and structures and such repairs of existing works or structures as are suitable and necessary to preserve the channel and to prevent such depositing of earth or other material shall be constructed in the manner and at the times provided in Sections 573.04 and 573.05.

Section 573.04 Construction or Repair of Retaining Works Adjoining the Harbor; Notice; Enforcement

(a) The lack or disrepair of retaining works and structures on property adjoining the Harbor which cause or potentially cause interference with the free, convenient and safe navigation of the Harbor constitute a public nuisance which may affect or endanger the health, safety and welfare of the public. The Director of Port Control, or the Director's designee, shall investigate and take appropriate measures to cause the abatement of any nuisance found to exist.

(b) No person shall fail or refuse to comply with an order issued by the Director of Port Control, or the Director's designee, as provided in this section.

(c) Whenever the Director of Port Control, or the Director's designee, determines that a condition exists requiring construction of retaining works or structures on parcels of land adjoining the Harbor, or repair of existing retaining works or structures on parcels of land adjoining the Harbor, the Director, or the Director's designee, shall cause written notice to be served by certified mail on the owner of the parcel of land, or the owner's agent, ordering the construction or repair of retaining works or structures. The notice shall describe the unsafe condition or disrepair and the corrective measures to be taken, provide the date by which the work is to be completed, and contain such additional information as the Director, or the Director's designee, deems necessary. The notice shall be addressed to the owner, or the owner's agent, at their last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of the certified mail notice that the owner or owner's agent, cannot be found, notice shall be served by publication of the notice once in a newspaper of general circulation in the City. As used in this section, "retaining works or structures" shall include but are not limited to wharves, docks, walls, bulkheads and revetments.

(d) If the requirements of the notice are not observed by the owner or the owner's agent within the time period specified in the notice, the Director of Port Control, or the Director's designee, may have the work done at the expense of the owner and, if the owner does not pay the cost of the work, refer the cost of the work to the County to be assessed against the property and thereby made a lien upon it and collected as other taxes.

Section 573.05 Retaining Works; Specifications

All retaining works and structures, including wharves, docks, piers, bulkheads, or revetments constructed or repaired along the Harbor shall be built at such locations as are determined by the Director of Port Control,

or the Director's designee, and shall comply with design, material, engineering and construction requirements specified in rules promulgated by the Director under Section 573.09. Council may by resolution prescribe requirements for construction or repairs additional to those specified by the Director of Port Control in order that the requirements of any particular or peculiar condition may be met. No retaining wall or structure, including wharves, docks, piers, bulkheads or revetments shall be constructed, repaired or renewed along the Harbor (except that portion of Harbor under the jurisdiction of the United States Government) without first securing written permission from the Director, or the Director's designee, which permission shall only be given after submitting to the Director, or the Director's designee, detailed plans of the proposed construction.

Section 573.06 Prohibition Against Encroachment into Harbor

No person shall encroach upon the waters of the Harbor by the placement of retaining walls or structures without written permission of the Director of Port Control or his designee as provided in Section 573.05.

Section 573.07 Prohibition Against Placing Materials in Harbor

No person shall throw or deposit, or cause to be thrown or deposited in the Harbor any earth, garbage, logs or debris of any description, or any obstructions; nor place any such material on the bank, wharves, docks or piers of the Harbor, in such position as to be washed off or otherwise conveyed into the Harbor.

Section 573.08 Prohibition Against Placing Obstructions in Harbor

No person shall drive or place, or cause to be driven or placed, any pile, stone, timber, earth or other obstruction in the Harbor without prior permission of the Director of Port Control or the Director's designee.

Section 573.09 Rules and Regulations Concerning the Harbor

The Director of Port Control may promulgate rules and regulations defining the duties and responsibilities of the managers of the Harbor and for the maintenance of the Harbor, including specifications for the design, material, engineering and construction of retaining works under Section 573.05. Such rules and regulations shall become effective ten days after publication in the City Record and shall be enforced as ordinances of the City.

Section 573.99 Penalty

(a) Whoever violates division (b) of Section 573.02, division (b) of Section 573.04, Section 573.06, Section 573.07, Section 573.08 or Section 573.10 is guilty of a misdemeanor of the first degree.

(b) Whoever violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor of the fourth degree.

(c) A separate offense shall be deemed committed each day during or on which an offense occurs or continues, after notification by the Director of Port Control or the Director's designee of a violation.

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 March 19, 2012.
Effective March 22, 2012.

Ord. No. 1608-11.

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

An emergency ordinance terminating the Cooperative Agreement between the City of Cleveland and the Cleveland-Cuyahoga Port Authority regarding the use of the proceeds generated from parking activities and to transfer the balance of funds held by the Cleveland-Cuyahoga Port Authority to the City; to establish a Downtown Lakefront Management special revenue fund; authorizing contracts to operate, maintain and manage The Downtown Lakefront; and authorizing the Director of Port Control to apply for and accept gifts and grants from public and private entities, including the gift of equipment or the gift of the loan of equipment, in connection with the operation, maintenance, and management of The Downtown Lakefront.

Whereas, on November 4, 2005, the City of Cleveland and the Cleveland-Cuyahoga Port Authority ("Port Authority") entered into a cooperative agreement to use the proceeds generated from activities at the Lakefront, including but not limited to parking and special event revenue, for capital repairs, improvements and special events ("Cooperative Agreement"); and

Whereas, the Department of Port Control desires to control the management of the Downtown Lakefront, which excludes land designated by the Port Authority for maritime operations and Burke Airport Enterprise Property, and includes the common areas, parking lots, Voinovich Park, former skate park, new transient marina, East 9th Street Pier and Docks 32, 30 and 28B (also known as Harbor West) as further illustrated in the map (collectively "Downtown Lakefront") contained in File No. 1608-11-A; and

Whereas, the parties agree to terminate the Cooperative Agreement by mutual consent and transfer the balance of funds to the City; and

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

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

Section 1. That the Cooperative Agreement between the City of Cleveland and the Cleveland-Cuyahoga Port Authority ("Port Authority") regarding the use of the proceeds generated from parking activities is terminated by mutual consent of all parties. The Director of Port Control is authorized to enter into all agreements necessary to reflect this termination.

Section 2. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control, subject to further ordinance authority

from the Council is authorized to enter into one or more revenue generating agreements including but not limited to vendor agreements, license agreements, concession agreements, parking agreements, marina and other maritime recreational activities agreements or other similar agreements with various entities, on the basis of competitive proposals, for activities at the Downtown Lakefront, for a period approved by the Board of Control, using rates established by the Board of Control. The selection of the concessionaires and contractors under this section shall be made by the Board of Control, on the nomination of the Director of Port Control.

Section 3. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services at the Downtown Lakefront relating to special events. As used in this section and in Section 4 of this ordinance, "special event" shall have the same definition as contained in Section 131.07 of the Codified Ordinances of Cleveland, Ohio, 1976. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

Section 3a. That the Director of Port Control is authorized to apply for and accept grants and gifts from public and private entities in connection with the operation, maintenance, and management of The Downtown Lakefront, including the gift of equipment or the gift of the loan of equipment, in connection with the operation, maintenance, and management of The Downtown Lakefront during the term of the agreement. The Director is further authorized to file all papers and execute all documents necessary to receive the funds and equipment under this ordinance; and that, upon acceptance of the funds by the Director, they shall be appropriated for the purposes identified in this ordinance.

Section 4. That the Director of Port Control is authorized to make written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, for the purchase or rental of necessary items of materials, equipment, supplies, or services needed to conduct special events at the Downtown Lakefront during the term of the agreement, or the necessary items of materials, equipment, supplies, or services needed in connection with the performance of the various consulting contracts authorized in this ordinance, and labor and materials needed to install and maintain any or all of the above-mentioned necessary items, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control.

Section 5. That under Section 108(b) of the Charter, the purchases or leases authorized by this ordinance may be

made through cooperative agreements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the Department of Port Control is authorized to charge fees fixed by the Board of Control for use of Downtown Lakefront Warehouses, Marinas, Parks, Piers and Docks.

Section 7. That the Department of Port Control is authorized to enter into submerged land leases with the State of Ohio for property at the Downtown Lakefront as deemed necessary for a term not to exceed fifty years.

Section 8. That the Director of Finance is authorized to accept the balance of all funds held by the Port Authority under the Cooperative Agreement; and to establish a Downtown Lakefront Management special revenue fund ("Downtown Lakefront Fund") into which the fund balance from the Port Authority shall be deposited and all net revenue generated from all fees and revenue generated agreements at the Downtown Lakefront shall be deposited, and such funds are appropriated to pay the cost of the contracts authorized by this ordinance, provided that the City shall incur no liability as a result of any action taken or not taken prior to receipt of the funds by the City from the Port Authority and deposited into the Downtown Lakefront Fund. The Director of Port Control shall submit a financial report to the Council twice each year detailing deposits into and use of funds in the Downtown Lakefront Fund.

Section 9. That the cost of the contracts authorized under this ordinance shall be paid from funds deposited in the Downtown Lakefront Fund, from the fund or funds to which are credited any grant proceeds or gifts accepted under this ordinance, and any obligation to pay for contracts from the Downtown Lakefront Fund shall not exceed the available balance in the Downtown Lakefront Fund.

Section 10. The contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by 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 March 19, 2012.

Effective March 22, 2012.

Ord. No. 1647-11.
By Council Member Cimperman.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3620 Lorain Avenue to John W. Sweeney or J S & Associates, LLC.
 Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Revised Code to facilitate reutiliza-

tion 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 Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 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 John W. Sweeney or J S & Associates, LLC.

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

P. P. 003-35-050

And known as being part of Sublot No. 410 in Barber and Lord's Subdivision of part of original Brooklyn Township Lots Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northwesterly line of Lorain Avenue at the Southeast corner of said Sublot No. 410; thence Southwesterly along said Northwesterly line of Lorain Avenue, 52.75 feet to the Southeast corner of land conveyed to Moses Straus by deed dated May 15, 1891, and recorded in Volume 492, Page 478 of Cuyahoga County Records; thence Northwesterly along the Northeast line of land so conveyed to Moses Straus 123 feet to the Southeast line of land conveyed to Friedrich Hartner and Marie Hartner by deed dated February 28, 1889, and recorded in Volume 444, Page 89 of Cuyahoga County Records; thence Northeasterly along said Southeast line of land so conveyed to Hartner aforesaid, 42 feet 8-3/4 inches to the Southeast line of a 16 foot alley, known as Fulton Place N.W.; thence Southeastly along said Southwesterly line of said alley, 125 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall not be 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 by this ordinance shall be made by official deed prepared by the Director of Law and executed by the

Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is 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 March 19, 2012.
Effective March 22, 2012.

Ord. No. 3-12.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with BissNuss Inc., the Northeast Ohio Regional representative of various proprietary equipment and services in order to maintain and replace existing components of the chemical feed systems, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than BissNuss Inc., who is the Northeast Ohio Regional representative of the following various proprietary equipment and services: Siemens Water Technologies, Inc., Force Flow Inc., ASCO, Inc., Gastronics, Inc., Henry Pratt, Inc., Ross Valves, Inc., ITT Fabrilvalve, Inc., Milton Roy Americas, BNR, Inc., Wilo, Inc., Jim Myers & Sons, Inc., Enviropax, Inc. and Claval, Inc. in order to maintain and replace existing components of the chemical feed systems. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with BissNuss Inc., for the requirements for a period not to exceed two years for the necessary equipment and services manufactured by the above-listed manufacturers, but provided by BissNuss Inc., to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

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 delivery order against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2011-54)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

Passed March 19, 2012.
Effective March 22, 2012.

Ord. No. 75-12.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the CDBG Year 38 under the Title I of the Housing and Community Development Act of 1974, for the 2012 Federal HOME Investment Partnerships Act Program, Emergency Shelter Grant Program, and the Housing Opportunities for Persons with AIDS Program.

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept grants from the U. S. Department of Housing and Urban Development (HUD) in the following approximate amounts: \$20,097,565 to conduct the 2012 Year 38 Community Development Block Grant Program; \$3,996,953 to conduct the Federal HOME Investment Partnerships Act Program; \$1,049,680 to conduct the Emergency Shelter Grant Program; and \$900,000 for the Housing Opportunities for Persons with AIDS (HOPWA) Program, for the purposes set forth in the budgets and according thereto and in compliance with the requirements of Title I of the Housing and Community Development Act of 1974 and applicable rules and regulations. That the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grants, and that the funds are appropriated for the purposes set forth in the budgets for the grants.

Section 2. That the budgets for the grants, placed in File No. 75-12-A, made a part hereof as if fully rewritten herein, are approved in all respects.

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 March 19, 2012.
Effective March 22, 2012.

Ord. No. 115-12.

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

An emergency ordinance to amend Section 1 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by various ordinances, relating to

administration of the Neighborhood Development 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 Section 1 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by Ordinance No. 1336-89, passed June 5, 1989, Ordinance No. 1743-90, passed July 23, 1990, Ordinance No. 1671-91, passed September 30, 1991, Ordinance No. 1297-93, passed June 14, 1993, Ordinance No. 299-94, passed March 28, 1994, and Ordinance No. 644-11, passed May 23, 2011, is amended to read as follows:

Section 1. That the Director of Economic Development is authorized to administer the Neighborhood Development Program by making loans and grants, the aggregate of which shall not exceed \$2,600,000, with eligible community based neighborhood organizations or for-profit entities sponsored by or subsidiaries of such neighborhood organizations to provide economic development assistance to partially finance the acquisition, construction, renovation and/or pre-development costs of real estate located in the City's neighborhoods.

Section 2. That existing Section 1 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by Ordinance No. 1336-89, passed June 5, 1989, Ordinance No. 1743-90, passed July 23, 1990, Ordinance No. 1671-91, passed September 30, 1991, Ordinance No. 1297-93, passed June 14, 1993, Ordinance No. 299-94, passed March 28, 1994, and Ordinance No. 644-11, passed May 23, 2011, is repealed.

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

Passed March 19, 2012.
Effective March 22, 2012.

Ord. No. 116-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Optima 777, LLC, or its designee, to provide economic development assistance to partially finance the renovation of the former Crowne Plaza Hotel into a Westin Hotel at 777 St. Clair Avenue, and other associated costs necessary to redevelop the property.

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its December 15, 2011 Board Meeting; 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 a loan agreement under the Vacant Property Initiative with Opti-

ma 777, LLC, or its designee, to provide economic development assistance to partially finance the renovation of the former Crowne Plaza Hotel into a Westin Hotel at 777 St. Clair Avenue, and other associated 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. 116-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of any funding under this ordinance, including forgivable and nonforgivable portions, shall not exceed \$1,000,000, and shall be paid from Fund Nos. 17 SF 008, Request No. RQS 9501, RL 2012-2.

Section 4. That the Director of Economic Development is authorized to accept such collateral as the director determines is sufficient in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006.

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 the contract authorized by this ordinance shall provide that no part of this funding shall be used for any portion of construction or materials for a connector across East 6th Street to the Public Auditorium and Conference Center.

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

Passed March 19, 2012.
Effective March 22, 2012.

Ord. No. 169-12.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the 2012 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities 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 Law is authorized to apply for and accept a grant in the approximate amount of \$119,098, and any other funds that may become available during the grant term, from the Criminal Justice Service Agency, to conduct the 2012 Cleveland Domestic Violence Program, for the purposes set forth in the application and according thereto; that the Director of Law 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 application for the grant.

Section 2. That the application for the grant, File No. 169-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$39,699, from Fund No. 01-1001-6397, is approved in all respects.

Section 3. That the Director of Law is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with other entities to implement the program as described in the file.

Section 4. That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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 March 19, 2012.

Effective March 22, 2012.

Ord. No. 172-12.
By Council Members K. Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Ohio Department of Education for the 2012 Summer Food Service Program; authorizing the purchase by requirement contract of breakfasts and lunches and for food, food

products, beverages, condiments and paper products to implement the grant, for the Division of Recreation, Department of Public Works; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.

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

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

Section 1. That the Director of Public Works is authorized to apply for and accept a grant in the approximate amount of \$400,000.00, from the Ohio Department of Education, to conduct the 2012 Summer Food Service Program for the purposes described in the summary; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 172-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of unitized breakfasts and lunches for the breakfast and lunch program to be served at twenty City recreation centers and at various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

Section 4. That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Public Works is authorized to make one or more written contracts with the various non-profit organizations to implement the 2012 Summer Food Service Program.

Section 5. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant period for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as

a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

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

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

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

Section 9. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed March 19, 2012.
Effective March 22, 2012.

Ord. No. 209-12.
By Council Members Cimperman, Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and reconvey properties presently owned by 800 Superior, LLC, or its designee, located at 800 Superior Avenue for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code; and authorizing an agreement with 800 Superior, 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 notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from and reconvey to 800 Superior, LLC, or its designee, for a

price of one dollar and other valuable consideration determined as fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

Exhibit A
Description of Land

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Original Two Acre Lots Nos. 95 and 96, bounded and described as follows:

Beginning on the southeasterly line of Superior Avenue, N.E., 132 feet wide, at its intersection with the southwesterly line of East 9th Street, 99 feet wide;

Course No. 1: thence South 33° 49' 40" East along said southwesterly line of East 9th Street, 320.34 feet to its intersection with the northwesterly line of Vincent Avenue, N.E., 56 feet in width, as shown by the Dedication Map in Volume 226 of Maps, Page 96 of Cuyahoga County Records;

Course No. 2: thence South 55° 58' 10" West along a northwesterly line of Vincent Avenue N.E., 132.74 feet;

Course No. 3: thence South 67° 45' 10" West along a northwesterly line of Vincent Avenue, N.E., 83.23 feet to a point in the southwesterly line of land conveyed to J.J. Sullivan by deed dated January 31, 1900 and recorded in Volume 754, Page 43 of Cuyahoga County Records;

Course No. 4: thence North 33° 50' 30" West along said southwesterly line of land so conveyed to J.J. Sullivan, 163.34 feet;

Course No. 5: thence South 55° 58' 10" West, parallel with the aforementioned southeasterly line of Superior Avenue, N.E., 18.17 feet to a point in the southwesterly line of land conveyed to Charles D. Williams by deed dated September 10, 1847 and recorded in Volume 41, Page 49 of Cuyahoga County Records;

Course No. 6: thence North 33° 50' 30" West along said southwesterly line of land so conveyed to Charles D. Williams, 140.00 feet to a point in the southeasterly line of Superior Avenue, N.E.,

Course No. 7: thence North 55° 58' 10" East along said southeasterly line of Superior Avenue, N.E. 232.51 feet to the place of beginning, containing 70,500 square feet of land (1.6185 acres), according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in June, 1988 and updated August, 1996, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to

enter into an agreement with 800 Superior, LLC, or its designee, which shall include the terms and conditions of the transaction authorized by this ordinance.

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

Passed March 19, 2012.
Effective March 22, 2012.

Ord. No. 244-12.
By Council Member Sweeney.
An emergency ordinance to amend the Title and Section 1 of Ordinance No. 123-12 passed January 30, 2012, relating to a professional services agreement for photographic and video-graphic services

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

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

Section 1. That the Title and Section 1 of Ordinance No. 123-12 passed January 30, 2012 are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Donn R. Nottage for professional services to provide photographic and video-graphic services for Cleveland City Council.

Section 1. That the Clerk of Council is authorized to enter into an agreement with Donn R. Nottage for professional services to provide photographic and video-graphic services for Cleveland City Council. This agreement shall be entered into as of February 1, 2012 and shall be for a term of one year, concluding January 31, 2013.

Section 2. That the existing Title and Section 1 of Ordinance No. 123-12 passed January 30, 2012 are hereby repealed.

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

Passed March 19, 2012.
Effective March 22, 2012.

Ord. No. 280-12.
By Council Member Mitchell.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Fairfax Renaissance Development Corporation for the Neighborhood Technology Center Program through the use of Ward 6 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement with Fairfax Renaissance Development Corporation for the Neighborhood Technology Center Program for the public purpose of providing computer training to the residents of Cleveland through the use of Ward 6 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$18,000 and shall be paid from Fund No. 10 SF 177.

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

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

Passed March 19, 2012.
Effective March 22, 2012.

Ord. No. 281-12.

By Council Member Pruitt.

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Aging be authorized to enter into an agreement with Court Community Service for the Senior Lawn Care Program for the public purpose of assisting senior citizens residing in the city of Cleveland with grass cutting and lawn maintenance care through the use of Ward 1 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 177.

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

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

Passed March 19, 2012.
Effective March 22, 2012.

Ord. No. 282-12.

By Council Member Cleveland.

An emergency ordinance authorizing and directing the Director of Office of Capital Projects to issue a permit to Mt. Gillion Missionary Baptist Church to stretch a banner at East 71st and Cedar Avenue, for the period from March 21, 2012 to April 20, 2012, inclusive, celebrating the Church's 75th Anniversary.

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 Office of Capital Projects is hereby authorized and directed to issue a permit to Mt. Gillion Missionary Baptist Church to install, maintain and remove a banner at East 71st and Cedar Avenue from March 21, 2012 to April 20, 2012, inclusive. Said banner shall be approved by the Director of the Office of Capital Projects, 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 March 19, 2012.
Effective March 22, 2012.

COUNCIL COMMITTEE MEETINGS

**Monday, March 26, 2012
11:00 a.m.**

Legislation Committee: Present: Mitchell, Chair; K. Johnson, Vice Chair; Cimperman, Reed, Sweeney. *Authorized Absence:* Brancatelli, Cleveland. *Pro tempore:* Brady.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Tuesday, March 27, 2012
9:30 a.m.**

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

**Wednesday, March 28, 2012
9:00 a.m.**

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

1:00 p.m.

City Planning (Zoning) Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane. *Authorized Absence:* Zone.

1:30 p.m.

City Planning Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane. *Authorized Absence:* Zone.

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