

# The City Record

Official Publication of the Council of the City of Cleveland



---

December the First, Two Thousand and Ten

---

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Containing	PAGE
City Council	3
The Calendar	23
Board of Control	40
Civil Service	42
Board of Zoning Appeals	42
Board of Building Standards and Building Appeals	43
Public Notice	44
Public Hearings	44
City of Cleveland Bids	45
Adopted Resolutions and Ordinances	45
Committee Meetings	51
Index	51



# 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  
Valerie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability  
Natoya J. Walker Minor, Chief of Public Affairs – Director of Equal Opportunity.  
DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,  
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106  
Pam Benjamin, Law Librarian, Room 100  
DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;  
Frank Badalamenti, Manager, Internal Audit  
DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19  
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
City Treasury – \_\_\_\_\_, Treasurer, Room 115  
Financial Reporting and Control – James Gentile, Controller, Room 18  
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair  
Avenue  
Purchases and Supplies – James E. Hardy, Commissioner, Room 128  
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue  
DEPT. OF PUBLIC UTILITIES – Barry A. Withers, Director, 1201 Lakeside Avenue  
DIVISIONS – 1201 Lakeside Avenue  
Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – \_\_\_\_\_, Commissioner  
Water Pollution Control – Ollie Shaw, Commissioner  
DEPT. OF PORT CONTROL – Ricky D. Smith, Director  
Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner  
DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113  
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517  
Engineering and Construction – \_\_\_\_\_, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
Streets – Randall T. Scott, Commissioner, Room 25  
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue  
DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza  
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
Environment – Willie Bess, 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 PARKS, RECREATION & PROPERTIES – Michael Cox, Director  
Cleveland Convention Center, Clubroom A, 1220 East 6th Street  
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner  
Public Auditorium, East 6th Street and Lakeside Avenue  
Parking Facilities – Leigh Stevens, Commissioner  
Public Auditorium, East 6th Street and Lakeside Avenue  
Park Maintenance and Properties – Richard L. Silva, Commissioner  
Public Auditorium – East 6th Street and Lakeside Avenue  
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard  
Recreation – Kim Johnson, Commissioner, Room 8  
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road  
Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall  
DIVISIONS: Administrative Services – Terrence Ross, Commissioner  
Neighborhood Services – Louise V. Jackson, Commissioner  
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500  
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner  
Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Nycole D. West, Interim Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – John D. Mahone, Interim Director

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, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, DECEMBER 1, 2010

No. 5060

## CITY COUNCIL

MONDAY, NOVEMBER 29, 2010

The City Record  
Published weekly by the City Clerk,  
Clerk of Council under authority  
of the Charter of the  
City of Cleveland  
The City Record is available  
online at

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

Address all communications to

**PATRICIA J. BRITT**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 29, 2010

The meeting of the Council was called to order, The President Pro Tempore, Phyllis E. Cleveland, in the Chair.

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Andrew Watterson, Chief of Sustainability, Natoya J. Walker-Minor, Chief of Public Affairs - Director of Office of Equal Opportunity, and Directors Triozzi, Dumas, Withers, Smith, Flask, Cox, Rush, Rybka, Marion, Nichols, Griffin, Brown, Fumich, Lucille Ambroz, Secretary, Civil Service Commission.

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

#### MOTION

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

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1618-10**—Shirley Qahhar.  
**Res. No. 1619-10**—Mrs. Janet I. Telich.

**Res. No. 1620-10**—Mrs. Patricia Wasik.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 1621-10**—Gethsemane Missionary Baptist Church.

**Res. No. 1622-10**—Shirley & Royal Wilson.

#### RECOGNITION RESOLUTION

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

**Res. No. 1623-10**—Father Philip G. Racco.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 1596-10.**

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

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to perform various general engineering and design services for the Division of Cleveland Public Power, 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 the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform various general engineering and design services, for the Division of Cleveland Public Power, Department of Public Utilities, including but not limited to, services required for preliminary planning, design and construction on various projects, design services for substations, lines, additions, and systems, performing analysis services, supervisory control and data acquisition systems, design and drawing review, system planning studies, street lighting design, and other projects, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

The selection of the consultants for the services shall be made by the

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

**Section 2.** That the total cost of the contract or contracts authorized shall not exceed \$1,000,000 and shall be paid from Fund No. 58 SF 001, RQS 2004, RL 2010-189.

**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. 1597-10.**

**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 Middough Associates, Inc. for professional services necessary for engineering and design services relating to the CPP System Expansion Project.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into one or more contracts with Middough Associates, Inc. for professional services necessary for engineering and design services relating to the CPP System Expansion Project, including transmission lines, Lake Road Substation, Harvard Substation, Ridge Road Ring Bus, capital project construction administration, Nine Mile Creek Loop Circuit, and relay setting calculations, on the basis of its proposal dated October 28, 2010, in the total sum of \$2,000,000, for the Department of Public Utilities. The contract or contracts shall be paid from Fund No. 58 SF 230, RQS 2004, RL 2010-189.

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

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

**Ord. No. 1598-10.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and**

**materials necessary for analysis, identification, storage, remediation, transportation, recycling and disposal of various chemicals, hazardous waste products and other non-hazardous and recyclable waste materials for the Division of Water, Cleveland Public Power, and Water Pollution Control, 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 the period up to two years of the necessary items of labor and materials necessary for analysis, identification, storage, remediation, transportation, recycling and disposal of various chemicals, hazardous waste products and other non-hazardous and recyclable waste materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Public Utilities 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 2002, RL 2010-61)

**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. 1599-10.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of landscape materials, supplies, and services, including labor and materials needed to maintain, test, install, replace, improve, restore, and refurbish landscaping and tree lawns located at City-owned or leased Public Utility facilities and other City right-of-ways, for the Divisions of Water, Water Pollution Control, and 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 landscape materials, supplies, and services, including labor and materials needed to maintain, test, install, replace, improve, and refurbish landscaping located at City-owned or leased Public Utility facilities, including but not limited to buildings, yards, structures, stations, towers, substations, and other City right-of-ways, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, 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 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 not to exceed two years of the necessary items of landscape materials, supplies, and services, including labor and materials to install, replace, and restore tree lawns damaged due to utility work performed by the Department of Public Utilities, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, 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 3.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of 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 2002, RL 2010-56)

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

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

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

**Ord. No. 1600-10.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, fuel, maintain, refurbish, and repair off-road fossil fuel backup electrical, backup pumping, and backup computer systems, including but not limited to, providing fuel material, services, emergency fuel deliveries, tank rental, fuel testing, conditioning, and recycling; and the purchase of generators and assorted uninterruptible electrical systems and current conditioning equipment systems, including labor and materials to maintain, repair, or replace if necessary; and labor and material to test underground storage tanks; for the various divisions of the 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 labor and materials necessary to test, fuel, maintain, refurbish, and repair off-road fossil fuel backup electrical, backup pumping, and backup computer systems, including but not limited to, providing fuel material, services, emergency fuel deliveries, tank rental, fuel testing, conditioning, and recycling; and the purchase of generators and assorted uninterruptible electrical systems and current conditioning equipment systems, including labor and materials to maintain, repair, or replace if

necessary; and labor and material to test underground storage tanks; in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of 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 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 2002, RL 2010-59)

**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. 1601-10.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more amendments to various contracts with United Air Lines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., and Southwest Airlines, to make changes in their leased spaces at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into an amendment to Contract No. 31262 with United Air Lines, Inc. to delete approximately 3,445 square feet of holdroom space and adjacent ramp area at Gates B-3 and B-5 and 2,283 square feet of Concourse B lower level office space and to add approximately 3,947 square feet of holdroom space and adjacent ramp area at Gates C-21, C-22, and C-23 and 2,782 square feet of Concourse C lower level office space.

**Section 2.** That the Director of Port Control is authorized to enter into an amendment to Contract No. 38171 with Continental Airlines, Inc. to delete approximately 3,947 square feet of holdroom space and adjacent ramp area at Gates C-21, C-22, and C-23 and delete 2,782 square feet of Concourse C lower level office space and to add approximately 2,941 square feet of holdroom space and adjacent ramp area at Gates C-6 and C-8 and 2,787 square feet of Concourse C lower level office space.

**Section 3.** That the Director of Port Control is authorized to enter into an amendment to Contract No. 31263 with Delta Air Lines, Inc. to (i) delete approximately 2,941 square feet of holdroom space and adjacent ramp area at Gates C-6 and C-8 and 2,787 square feet of Concourse C lower level office space, 520 square feet of ticket counter space and 1,060 square feet of back office space located on the ticketing level, and 4,016 square feet of baggage make-up, and (ii) add approximately 3,445 square feet of holdroom space and adjacent ramp area at Gates B-3 and B-5 and 2,640 square feet of Concourse B lower level space, 402 square feet of ticket counter space, 1,667 square feet of back office space located on the ticketing level and 2,224 square feet of baggage make-up space. Of the 2,640 square feet of space on the lower level of Concourse B, 357 square feet of space shall be added, effective November 2, 2010.

**Section 4.** That the Director of Port Control is authorized to enter into an amendment to Contract No. 46540 with Southwest Airlines, Inc. to delete approximately 402 square feet of ticket counter space and 1,667 square feet of back office space on the ticketing level and 2,224 square feet of baggage make-up space and to add approximately 350 square feet of ticket counter space and 975 square feet of back office space on the ticketing level and to add approximately 3,775 square feet of baggage make-up space.

**Section 5.** That all other terms and conditions of the contracts shall remain the same.

**Section 6.** That the rental rate for the new square footages authorized by this ordinance shall be calculated under the formula contained in the signatory master lease agreement.

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

**Section 8.** That the Director of Port Control, the Director of Law and other appropriate city officials are authorized to execute any other documents and certificates, and may take any other actions which may be necessary or appropriate to effect this ordinance.

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

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

**Ord. No. 1602-10.****By Council Members Miller and Sweeney (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government.**

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 Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation, training, and inspections, as needed, in the estimated sum of \$5,593,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

<u>Item Number</u>	<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	<u>Ext. Est. Cost</u>
<b>ENTERPRISE FUND</b>					
1	Pick-Up w/plow	Water	2	40,000	80,000
2	Pick-Up	Water	4	30,000	120,000
3	Cab/Chassis w/Large USV	Water	6	150,000	900,000
4	Cab/Chassis w/Flat Bed and Crane	Water	2	195,000	390,000
5	SUV-Hybrid	Water	2	30,000	60,000
6	Cargo Van	Water	5	28,000	140,000
7	Cab/Chassis w/Medium USV	Water	3	60,000	180,000
8	Air Compressor	Water	5	22,000	110,000
9	Mini Van/Cargo	Water	1	25,000	25,000
					2,005,000
10	Cab/Chassis w/Digger Derrick	CPP	2	200,000	400,000
11	Cab/Chassis w/Aerial Device	CPP	2	210,000	420,000
12	Cab/Chassis w/Aerial Device-Light Duty	CPP	2	100,000	200,000
13	Cab/Chassis w/Cable Pulling Unit	CPP	1	280,000	280,000
14	Lift Vehicle	CPP	1	125,000	125,000
					1,425,000
15	Street Sweeper	Port Control	1	120,000	120,000
16	Electric Golf Cart	Port Control	3	15,000	45,000
17	Box Van	Port Control	2	60,000	120,000
18	Cab/Chassis w/Medium Dump	Port Control	2	85,000	170,000
19	Passenger Car-Hybrid	Port Control	3	28,000	84,000
20	SUV-Hybrid 4X4	Port Control	5	30,000	150,000
21	SUV, Full Size 4X4	Port Control	9	32,000	288,000
22	Pick Up	Port Control	9	30,000	270,000
23	Backhoe	Port Control	1	100,000	100,000
24	Tractor w/Cutting Attachment	Port Control	2	110,000	220,000
25	Riding Mower w/Blower Attachment	Port Control	2	28,000	56,000
					1,623,000
26	Cab/Chassis w/TV Inspection Body	WPC	1	300,000	300,000
27	Cab/Chassis w/Flat bed Body	WPC	1	75,000	75,000
28	Air Compressor	WPC	1	20,000	20,000
29	Cab/Chassis w/Dump Body	WPC	1	115,000	115,000
30	Pick Up	WPC	1	30,000	30,000
					540,000

Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 4005, RL 2010-66)

**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 Service 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 Service, Finance, Law; Committees on Public Service, Finance.

**Ord. No. 1603-10.**  
**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. 69064 with Kone, Inc. for labor, equipment, and materials necessary for parts necessary to maintain and repair Kone elevators, escalators and moving walkways, including labor if necessary for the Division of Cleveland Hopkins International Airport.**

Whereas, under the authority of Ordinance No. 1615-08, passed November 17, 2008, the Director of Port Control entered into Contract No. 69064 with Kone, Inc. for labor, equipment, and materials necessary for parts necessary to maintain and repair Kone elevators, escalators and moving walkways, including labor if necessary for the Division of Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 1615-08 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69064 for an additional year with Kone, Inc. for the requirements of labor, equipment, and materials for parts necessary to maintain and repair Kone elevators, escalators and moving walkways, including labor if necessary for the Division of Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1615-08 to exercise this option. RQN 3001, RL 2010-57.

**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. 1604-10.**  
**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. 69128 with Standard Signs, Inc. for airfield signage and installation and labor and materials to maintain and repair new and existing signage, for the Department of Port Control.**

Whereas, under the authority of Ordinance No. 1588-06, passed November 17, 2008, the Director of Port Control entered into Contract No. 69128 with Standard Signs, Inc. for airfield signage and installation and labor and materials to maintain and repair new and existing signage, for the Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 1588-06 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69128 for an additional year, with Standard Signs, Inc. for the requirements of the necessary items of airfield signage and installation and labor and materials to maintain and repair new and existing signage, for the Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1588-06 to exercise this option. RQN 3001, RL 2010-58.

**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. 1605-10.**  
**By Council Members Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement for the grinding of pavement for the local resurfacing of city streets, for the Division of Streets, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

**Section 2.** That the Director of Public Service 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 one or two year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter

into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

**Section 3.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of 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 4006, RL 2010-51)

**Section 4.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

**Ord. No. 1606-10.**  
**By Council Members Kelley and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into an agreement with American Municipal Power, Inc. for the purchase of energy under a long-term purchase available to American Municipal Power from Morgan Stanley Capital Group, Inc.**

Whereas, the City owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

Whereas, in order to satisfy the electric energy requirements of its electric utility system, the City has heretofore purchased economical and reliable electric capacity and energy from American Municipal Power, Inc. ("AMP"), of which the City is a Member, or has heretofore purchased electricity arranged by AMP; and

Whereas, the City, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric capacity and energy for ultimate delivery to its customers; and

Whereas, AMP and the City have entered into a Master Services Agreement ("MSA"), AMP Contract No. C-11-2005-4520 pursuant to which sets forth general terms and conditions under which, among other things, AMP may sell and the City may purchase electric capacity and energy and other services through Schedules to the MSA; and

Whereas, AMP and the City, as a participant, also entered into a power sales contract (AMP Contract No. C-7-2007-5752-R) regarding the American Municipal Power Generating Station

Project ("AMPGS Project") dated as of November 1, 2007 ("AMPGS PSC"), which was terminated as a coal fired project by the AMPGS participants and the AMP Board of Trustees on November 24, 2009; and

Whereas, the AMPGS participants and the AMP Board of Trustees determined to investigate the replacement of the AMPGS coal project with, among other possibilities, a natural gas combined cycle project and power purchases from the softened wholesale market and to present modifications to the AMPGS PSC as well as other arrangements, to the AMPGS participants therein to reflect those changes; and

Whereas, as a part of those effects the AMPGS participants and the AMP Board of Trustees directed AMP to secure a 100 MW block of purchased energy for the period January 1, 2015 through December 31, 2020, on a "take and pay" basis at favorable cost, through arrangements with MSCGI, for resale to Municipality and other AMPGS participants and, potentially other AMP members; and

Whereas, in furtherance thereof AMP has negotiated an agreement ("Purchased Energy Agreement") with Morgan Stanley Capital Group, Inc. ("MSCGI") for the purchase by AMP of firm energy for resale to the City and other AMP members who are participants in the AMPGS Project or, to the extent not fully subscribed to AMPGS participants, also to other AMP members, at favorable rates, terms and conditions; and

Whereas, the City desires to replace a portion of the energy that would have been available from AMPGS, had it been completed as a coal fired project, from the Purchased Energy Agreement through the AMPGS Replacement Energy Schedule for delivery to AMP at the AD Hub at \$62.95/MWh ("Basic Energy Charge") and then resold to the Municipality; and

Whereas, AMP and MSCGI have included provisions in the Purchased Energy Agreement that contemplate that AMP and MSCGI may negotiate and agree to amendments thereto for AMP, to prepay MSCGI, in a discounted lump sum (the "Prepayment"), all or a portion of the remaining Contract Price for energy to be purchased under the Purchased Energy Agreement; and

Whereas, AMP intends to issue bonds to finance the Prepayment if and when the Prepayment is negotiated and executed; and

Whereas, any such Prepayment will permit AMP to sell to the City firm energy, derived from the amended Purchased Energy Agreement at a price less than the Basic Energy Charge (the "Discounted Energy Charge") to the City; and

Whereas, AMP has advised the City, and the City acknowledges, that there can be no assurance that circumstances will permit, or that AMP and MSCGI can agree on the terms of, any such Prepayment, such that the City is entering into this Energy Schedule based on the contract price and the other terms contained in the AMPGS Replacement Energy Schedule and not on the prospect that AMP may be able to sell firm energy at a lower Discounted Energy Charge;

Whereas, the City previously determined that it could beneficially utilize a portion of such energy and executed the AMPGS PSC with AMP for a share of the power and energy from AMPGS; and

Whereas, the City desires to obtain the benefit of the Discounted Energy Charge and consents to the issuance of bonds by AMP on its behalf to effect the Prepayment; and

Whereas, the AMPGS Replacement Energy Schedule allows the City option to establish a reserve, through AMP, to be applied to any liability it may have, under the AMPGS PSC; 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 AMPGS Replacement Energy Schedule between the City and AMP, including Appendices is substantially in the form placed in File No. 1606-10-A, and the Director of Public Utilities is authorized to execute and deliver such Schedule, with such changes as the Director of Public Utilities may approve as neither inconsistent with this ordinance nor materially adverse to the City, his or her execution of such Schedule to be conclusive evidence of such approval.

**Section 2.** That the Director of Public Utilities is authorized to execute the AMPGS Replacement Power Schedule for an amount of up to 45000 kW, on a "take and pay" basis, and the Municipality elects to fund \$1.00/MWh under Section 10(I) of said Schedule and take such other actions as are necessary or desirable by the Authorized Representatives in connection therewith.

**Section 3.** That AMP is authorized to arrange for the Prepayment and to issue bonds therefore on behalf of the City so long as AMP's independent financial advisor determines that the same is reasonably expected to provide savings to the City.

**Section 4.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance that were required by law were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions that were required by law to be were in meetings open to the public, in compliance with all legal requirements.

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

**Ord. No. 1607-10.**

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

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Tudor Arms Hotel, LLC, to encroach into the public right-of-way of Carnegie Avenue by installing, using, and maintaining a parking lot and streetscape improvements.**

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 Service is authorized to issue a

permit, revocable at the will of Council or of the Director, to Tudor Arms Hotel, LLC, 629 Euclid Avenue, third floor, Cleveland Ohio 44114 ("Permittee"), to encroach into the public right-of-way at 10650 Carnegie Avenue by installing, using, and maintaining a parking lot and streetscape improvements at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Nos. 402 and further bounded and described as follows:

Beginning at the intersection of the southerly line of Carnegie Avenue S.E. (width varies) and the easterly line of Vacated East 106th Place (24 feet wide) vacated by City of Cleveland Ordinance No. \_\_\_\_\_, passed \_\_\_\_\_, 201\_\_\_\_, and Resolution No. 1415-09, adopted \_\_\_\_\_, 20\_\_\_\_, referenced by a p.k. nail found 0.07 feet south;

Thence South 78° 08' 19" West along the southerly line of Carnegie Avenue S.E., 51.30 feet to a drill hole found at the westerly line of Vacated East 106th Place;

Thence North 87° 10' 50" West continuing along the southerly line of Carnegie Avenue S.E., 112.97 feet to a point;

Thence North 00° 25' 01" West, 3.80 feet to a point;

Thence North 89° 35' 00" East, 163.06 feet to the Place of Beginning and containing 0.0239 acres of land as surveyed and described by Edward Dudley of the Riverstone Company in November, 2010, be the same, more or less but subject to all legal highways, restrictions, reservations and easements of record.

**Basis of Bearing:**

The centerline of Carnegie Avenue being North 87° 10' 50" West as shown on the Map of Consolidation for Barton Brunswick recorded in Volume 279, Page 18 of Cuyahoga County Map Records.

**Deeds of Reference:**

Land conveyed to Tudor Arms Hotel LLC by deeds dated September 4, 2009 and recorded in Auditor File No. 200909040566 and Auditor File No. 200909040088 of Cuyahoga County Deed Records.

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 3.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**Section 5.** That this ordinance is declared to be an emergency measure



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

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

**Ord. No. 1608-10.**  
**By Council Members Dow, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Dunham Square Land, LLC to encroach into the public right-of-way of 6700 Euclid Avenue by installing, using, and maintaining four building encroachments.**

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 Service is authorized to issue a permit, revocable at the will of Council or of the Director, to Dunham Square Land, LLC, 10020 Aurora-Hudson Road, Streetsboro, Ohio 44241 ("Permittee"), to encroach into the public right-of-way at 6700 Euclid Avenue by installing, using, and maintaining building entrance steps and three minor building foundation encroachments at the following described locations:

**ENCROACHMENT AREA A  
(FOUNDATION)**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being more particularly described as follows:

Beginning at the intersection of the southerly line of Euclid Avenue (width varies) and the westerly line of East 69th Street (44 feet in width), said point being 40.00 feet southerly from the centerline of Euclid Avenue as measured perpendicular thereto; Thence along the westerly line of East 69th Street, South 01 degrees 01 minutes 48 seconds East, a distance of 15.90 feet to the southeasterly corner of Right of Way Easement Parcel 191 SH as conveyed to the Greater Cleveland Regional Transit Authority in AFN #200509010622 of Cuyahoga County Records; Thence along the southerly line of said Right of Way Parcel 191 SH North 35 degrees 59 minutes 55 seconds West, a distance of 7.94 feet to an angle point therein; Thence continuing along the southerly line of said Right of Way Parcel 191 SH, North 86 degrees 57 minutes 20 seconds West, a distance of 4.46 feet to the edge of an existing concrete footer and the **PRINCIPAL PLACE OF BEGINNING** for the parcel described herein;

**Course 1:**

Thence continuing along the southerly line of said Right of Way Parcel 191 SH, North 86 degrees 57 minutes 20 seconds West, a distance of 6.85 feet to a point on the westerly edge of an existing concrete footer;

**Course 2:**

Thence along the westerly edge of said footer North 01 degrees 02 minutes 15 seconds West, a distance of 0.05 feet to a northwesterly corner thereof;

**Course 3:**

Thence along a northerly line of said footer North 88 degrees 57 minutes 45 seconds East a distance of 1.83 feet to an interior corner thereof;

**Course 4:**

Thence along a westerly line of said footer North 01 degrees 02 minutes 15 seconds West, a distance of 0.42 feet to a northwesterly corner thereof;

**Course 5:**

Thence along a northerly line of said footer North 88 degrees 57 minutes 45 seconds East a distance of 5.00 feet to a northeasterly corner thereof;

**Course 6:**

Thence along an easterly line of said footer South 01 degrees 02 minutes 15 seconds East, a distance of 0.95 feet to the Principal Place of Beginning according to an actual field survey by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company dated October 22, 2010.

**ENCROACHMENT AREA B  
(FOUNDATION)**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a parcel of land lying within the right of way of Euclid Avenue and being more particularly described as follows:

Beginning at the intersection of the southerly line of Euclid Avenue (width varies) and the westerly line of East 69th Street (44 feet in width), said point being 40.00 feet southerly from the centerline of Euclid Avenue as measured perpendicular thereto; Thence along the southerly line of Euclid Avenue North 86 degrees 55 minutes 34 seconds West, a distance of 114.79 feet to an angle point therein, being on the easterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 4094, Pg. 230 of Cuyahoga County Records; Thence along an easterly line of Euclid Avenue and along the easterly line of said City of Cleveland lands, South 01 degrees 01 minutes 48 seconds East, a distance of 20.05 feet to a southeasterly corner thereof; Thence along the southerly line of Euclid Avenue and the southerly line of said City of Cleveland lands, North 86 degrees 55 minutes 34 seconds West, a distance of 29.50 feet to the easterly edge of an existing concrete footer and the **PRINCIPAL PLACE OF BEGINNING** for the parcel described herein;

**Course 1:**

Thence continuing along the southerly line of Euclid Avenue, North 86 degrees 55 minutes 34 seconds West, a distance of 4.62 feet to a point on the northerly edge of an existing concrete footer;

**Course 2:**

Thence along the northerly edge of said footer North 88 degrees 57 minutes 45 seconds East, a distance of 4.60 feet to the northeasterly corner thereof;

**Course 3:**

Thence along the easterly edge of said footer South 01 degrees 02 minutes 15 seconds East, a distance of 0.33 feet to the Principal Place of Beginning according to an actual field survey by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company dated October 22, 2010.

**ENCROACHMENT AREA C  
(BUILDING ENTRANCE STEPS)**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a parcel of land lying within the right of way of Euclid Avenue and being more particularly described as follows:

Beginning at the intersection of the southerly line of Euclid Avenue (width varies) and the westerly line of East 69th Street (44 feet in width), said point being 40.00 feet southerly from the centerline of Euclid Avenue as measured perpendicular thereto; Thence along the southerly line of Euclid Avenue North 86 degrees 55 minutes 34 seconds West, a distance of 114.79 feet to an angle point therein, being on the easterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 4094, Pg. 230 of Cuyahoga County Records; Thence along an easterly line of Euclid Avenue and along the easterly line of said City of Cleveland lands, South 01 degrees 01 minutes 48 seconds East, a distance of 20.05 feet to a southeasterly corner thereof; Thence along the southerly line of Euclid Avenue and the southerly line of said City of Cleveland lands, North 86 degrees 55 minutes 34 seconds West, a distance of 94.60 feet to the **PRINCIPAL PLACE OF BEGINNING** for the parcel described herein;

**Course 1:**

Thence continuing along the southerly line of Euclid Avenue, North 86 degrees 55 minutes 34 seconds West, a distance of 12.31 feet to a point;

**Course 2:**

Thence North 20 degrees 35 minutes 27 seconds West, a distance of 7.82 feet to a point;

**Course 3:**

Thence North 88 degrees 57 minutes 45 seconds East, a distance of 17.82 feet to a point;

**Course 4:**

Thence South 18 degrees 30 minutes 57 seconds West, a distance of 8.75 feet to the Principal Place of Beginning according to an actual field survey by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company dated October 22, 2010.

**ENCROACHMENT AREA D  
(FOUNDATION)**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being more particularly described as follows:

Beginning at the intersection of the southerly line of Euclid Avenue (width varies) and the westerly line of East 69th Street (44 feet in width), said point being 40.00 feet southerly from the centerline of Euclid Avenue as measured perpendicular thereto; Thence along the southerly line of Euclid Avenue North 86 degrees 55 minutes 34 seconds West, a distance of 114.79 feet to an angle point therein, being on the easterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 4094, Pg. 230 of Cuyahoga County Records; Thence along an easterly line of Euclid Avenue and along the easterly line of said City of Cleveland lands, South 01 degrees 01 minutes 48 seconds East, a distance of 20.05 feet to a southeasterly corner thereof; Thence along the southerly

line of Euclid Avenue and the southerly line of said City of Cleveland lands, North 86 degrees 55 minutes 34 seconds West, a distance of 198.52 feet to the southwesterly corner thereof; Thence along the westerly line of said City of Cleveland lands, North 01 degrees 01 minutes 48 seconds West, a distance of 10.03 feet to the southerly line of Right of Way Easement Parcel 185 SH as conveyed to the Greater Cleveland Regional Transit Authority in AFN #200602080323 of Cuyahoga County Records; Thence along the southerly line of said Right of Way Parcel 185 SH, North 86 degrees 55 minutes 34 seconds West, a distance of 0.25 feet to the easterly edge of an existing concrete footer and the PRINCIPAL PLACE OF BEGINNING for the parcel described herein;

**Course 1:**

Thence continuing along the southerly line of said Right of Way Parcel 185 SH, North 86 degrees 55 minutes 34 seconds West, a distance of 7.77 feet to a point on the westerly edge of an existing concrete footer;

**Course 2:**

Thence along the westerly edge of said footer North 01 degrees 02 minutes 15 seconds West, a distance of 0.44 feet to the northwesterly corner thereof;

**Course 3:**

Thence along the northerly edge of said footer North 88 degrees 57 minutes 45 seconds East, a distance of 7.75 feet to the northeasterly corner thereof;

**Course 4:**

Thence along the easterly edge of said footer South 01 degrees 02 minutes 15 seconds East, a distance of 1.00 feet to the Principal Place of Beginning according to an actual field survey by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company dated October 22, 2010.

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

**Section 3.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachments permitted.

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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

**Ord. No. 1612-10.  
By Council Members Miller,  
Cleveland and Sweeney (by departmental request)**

**An emergency ordinance authorizing the Director of Public Service to apply to the Northeast Ohio Areawide Coordinating Agency for federal highway funding to remove and replace the Commercial Road Bridge; authorizing the director to apply for and accept grants and gifts from any public or private entity for the improvement; authorizing the director to enter into one or more agreements with the Ohio Department of Transportation, including a Local Project Agreement, and one or more agreements with railroads, the Greater Cleveland Regional Transit Authority, private utility companies, and the NEORS to make the improvement, granting consent to the State of Ohio to make the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make 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 Public Service is authorized to apply to NOACA to pursue federal highway funding, on behalf of the City of Cleveland, for the removal and replacement of the Commercial Road Bridge, PID 89064, over CSX Railroad and under the Norfolk and Southern Railroad (the "Improvement").

**Section 2.** That the Director of Public Service is authorized to accept the funds from NOACA for the Improvement, and those funds are appropriated for the purposes of this ordinance.

**Section 3.** That the Director of Public Service is authorized to apply for and accept grants or gifts from any public or private entity for the purpose of the Improvement. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and which shall be appropriated for the purposes of this ordinance.

**Section 4.** That the Director of Public Service is authorized to enter into one or more Local Project Administration ("LPA") agreements with the Ohio Department of Transportation to partially fund and construct any portion of the Improvement.

**Section 5.** That the Director of Public Service is authorized to enter into any agreements as are necessary to carry out the intent and purpose of this ordinance.

**Section 6.** That it is declared to be in the public interest, and the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the Improvement under plans, specifications, and estimates approved by the ODOT Director.

**Section 7.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the

amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation, or other funds set aside by the State and NOACA for financing the Improvement from funds allocated by any state or federal agency. The City agrees to assume and contribute 100% of the cost of preliminary engineering, right-of-way, and environmental documentation. The City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

**Section 8.** That in the event there is any change in the Federal or State legislation or policy permitting a greater percentage of Federal or state participation for the actual costs of the Improvement, then the City's payment shall or will be reduced accordingly and the excess funds shall be returned to the City of Cleveland.

**Section 9.** That the Director of Public Service is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 10.** That on completion of the Improvement, the City will:

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

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

**Section 11.** (a) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

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

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

**Section 12.** That this Council requests the State to proceed with the Improvement.

**Section 13.** That the City will work cooperatively with other governmental units affected by the Improvement.

**Section 14.** That the City will abide by NOACA policies regarding planning, programming, and prioritizing road and bridge projects.

**Section 15.** That the City may assign all rights, title, and interests of the City to ODOT arising from any agreement with the consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions,

and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 16.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 17.** That the Director of Public Service 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 Public Service from a list of ODOT pre-qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Service 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 Service, and certified by the Director of Finance.

**Section 18.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

**Section 19.** That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

**Section 20.** That the Director of Public Service is authorized to enter into one or more contracts with the railroads or the GCRTA to obtain services and acquire property rights such as easements and licenses, necessary for the Improvement.

**Section 21.** That the Director of Public Service is authorized to accept a cash contribution from any private utility company for restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Public Service is authorized to enter into agreements with the entities for this purpose.

**Section 22.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 23.** That the cost of the contracts, property acquisition, or other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, and from the fund or funds which are credited the grant proceeds accepted under this ordinance, and from the fund or funds which are credited the proceeds of the Local Project Administration agreement. (RQS 4004, RL 2010-183)

**Section 24.** 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 Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 1614-10.**

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

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more consultants or one or more firms of consultants necessary to provide and install a PMJ settlement system, including but not limited to training, implementation, technical support, and maintenance; authorizing the Director to acquire one or more software licenses; and authorizing the purchase by one or more contracts of system equipment, including but not limited to hardware, software, ancillary systems, and related equipment, supplies and services, including maintenance, 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 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 and install a PJM settlement system, including but not limited to, training, implementation, technical support, and maintenance. The Director of Public Utilities is authorized to acquire one or more software licenses from one or more consultants or one or more firms of consultants necessary to implement the PMJ settlement system, for a period up to two years.

The selection of the consultants for the services and software licenses 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 Director of Public Utilities is authorized to make one or more written contracts under

the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: software not acquired through Section 1 of this ordinance, system equipment, including but not limited to hardware, ancillary systems, and related equipment, supplies and services, including hardware and software maintenance and technical support for a period up to two years, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Cleveland Public Power, Department of Public Utilities.

**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.** The Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

**Section 5.** That the cost of contract or contracts authorized shall be paid from Fund No. 58 SF 001, RQS 2004, RL 2010-193.

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

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

**Ord. No. 1615-10.**

**By Council Member Cleveland.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2025-2039 East 69th Street to Midtown Acquisition, LLC.**

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That 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 Midtown Acquisition, LLC.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 118-14-019

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of

Original One Hundred Acre Lot No. 338, and bounded and described as follows:

Beginning on the Easterly line of East 69th Street, 44 feet wide, at a point 349 feet Southerly measured along said Easterly line from its intersection with the Southerly line of Euclid Avenue, 210 feet wide (the Southerly line of said Euclid Avenue being also the Southerly line of land conveyed to the City of Cleveland for the purpose of widening Euclid Avenue, by deed dated January 6, 1928 and recorded in Volume 3727, Page 284 of Cuyahoga County Records), said place of beginning being also the Southwesterly corner of land conveyed to Frank Evans by deed dated November 29, 1943 and recorded in Volume 5649, Page 665 of Cuyahoga County Records; thence Southerly along the Easterly line of East 69th Street 53 feet to the Northwesterly corner of land conveyed to J & H Realty Inc., by deed dated October 6, 1954 and recorded in Volume 8208, Page 517 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed 108 feet to an angle therein; thence Northerly along a Westerly line of land so conveyed 53 feet to the Southerly line of land conveyed to Frank Evans as first aforesaid; thence Westerly along the Southerly line of land so conveyed 108 feet to the place of beginning, be the same more or less, but subject to all legal highways.

**Section 3.** 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 Midtown Acquisition, LLC.

**Section 4.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-14-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Original One Hundred Acre Lot No. 338, and bounded and described as follows:

Beginning on the Easterly line of East 69 Street (formerly Euclid Place) at a point distant 329 feet Southerly, measured along said Easterly line from its intersection with the Southerly line of Euclid Avenue, 80 feet wide; thence Southerly along said Easterly line of East 69th Street, 40 feet; thence Easterly at right angles to said Easterly line of East 69th Street, 118.40 feet to the Easterly line of land conveyed to David Morgan, by deed dated April 30, 1886, and recorded in Volume 395, Page 354 of Cuyahoga County Records, thence Northerly along the Easterly line of land so conveyed, 40 feet; thence Westerly in a direct line, 118.40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

**Section 5.** 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 Midtown Acquisition, LLC.

**Section 6.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-14-021

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot No.

338 and bounded and described as follows:

Beginning on the Easterly line of East 69th Street (formerly Euclid Place) at a point 289 feet Southerly and measured along said Easterly line from the Southerly line of Euclid Avenue; thence Southerly along said Easterly line of East 69th Street, 40 feet; thence Easterly on a line at right angles with the Easterly line of East 69th Street, 118.40 feet; thence Northerly on a line parallel to the Easterly line of East 69th Street, 40 feet; thence Westerly on a line at right angles with the Easterly line of East 69th Street, 118.40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 7.** 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 Midtown Acquisition, LLC.

**Section 8.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-14-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Original One Hundred Acre Lot No. 338 and bounded and described as follows:

Beginning on the Easterly line of East 69th Street (formerly Euclid Place) 44 feet wide at a point which is 244 feet Southerly from its point of intersection with the Southerly line of Euclid Avenue as originally established (80 feet wide); thence Southerly along said Easterly line of East 69th Street, 45 feet; thence Easterly at right angles to said Easterly line of East 69th Street, 118.40 feet to the Easterly line of the land conveyed by Grances C. Glidden and husband to David Morgan by deed dated April 30, 1886, and recorded in Volume 395, Page 354 of Cuyahoga County Records; thence Northerly along said Easterly line of the land so conveyed to David Morgan as aforesaid, 45 feet; thence Westerly 118.40 feet to the place of beginning and being further known as Sublot No. 4 in L.M. Southern's Euclid Place proposed Subdivision of part of Original 100 Acre Lot No. 338.

**Section 9.** 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 10.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 11.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and 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 12.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1616-10.**

**By Council Member Cleveland.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2245 East 69th Street to Desdalena M. Trice.**

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

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

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

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

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

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

P. P. No. 118-22-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 24 in Clark and Payne's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Easterly side of East 69th Street (formerly Jessie Street) and extending back 138.59 feet deep on the Northerly line, 138.54 feet deep on the Southerly line and having a rear line of 40 feet, 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 be not less than Fair Market Value taking into account such terms

and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and 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 hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1617-10.**

**By Council Member Mitchell.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9805 Quincy Avenue to Fairfax Renaissance Development Corporation.**

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

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

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

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

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

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

**P. P. No. 121-17-029**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 80 in Massey, Mansur and Grant Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 5 of Maps, Page 59 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Quincy Avenue S.E., and extending back between parallel lines 140 feet, 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 be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and 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 hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 1609-10.**

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

**An emergency resolution declaring the intent to vacate a portion of Henley Avenue S.W. (12.00 feet wide).**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Henley Avenue S.W. (12.00 feet wide), as described; 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 declares its intent to vacate a portion of the following described real property:

Declaring the intent to vacate all that portion of Henley Avenue S.W. (12 feet wide) extending for the westerly right of way line of West 94th Street (50.0 feet wide) westerly to the easterly right of way line of West 95th Street (40.0 feet wide).

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.

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

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

**Ord. No. 1610-10.**

**By Council Members Sweeney and Brancatelli.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with TRIAD Research Group, Inc. for professional services to assist City Council in the redrawing of the boundaries of statistical planning areas, neighborhoods, and wards in the City of Cleveland.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into an agreement with TRIAD Research Group, Inc. for the professional services necessary to assist City Council in the redrawing of the boundaries of statistical planning areas, neighborhoods, and wards in the City of Cleveland and of such other areas as may be requested by the Council President or his designee.

The agreement shall begin December 1, 2010 and terminate December 31, 2012 and shall be certified in an amount not to exceed \$175,000.00 from fund 01, sub-fund 001, department 0101, object 6320.

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1613-10.**

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

**An emergency ordinance to repeal Sections 3167.01 to 3167.05 and 3167.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance Nos. 2007-98, passed December 14, 1998 and 2784-87, passed December 21, 1987, relating to Flood Plain Management; and to supplement the codified ordinances by enacting new Sections 3167.01 to 3167.06 and 3167.99, relating to Flood Plain Management.**

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

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

**Section 1.** That Sections 3167.01 to 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2007-98, passed December 14, 1998, and Section 3167.99 as enacted by Ordinance No. 2784-87, passed December 21, 1987, are repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 3167.01 to 3167.06 and 3167.99 to read as follows:

**CHAPTER 3167  
FLOOD PLAIN MANAGEMENT**

**Section 3167.01 General Provisions**

(a) *Statutory Authorization.* Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens.

(b) *Findings of Fact.* The City of Cleveland has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, flood-proofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) *Statement of Purpose.* It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) *Methods of Reducing Flood Loss.* In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) *Lands to Which These Regulations Apply.* These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Cleveland as identified in division (f) of this section, including any additional areas of special flood hazard annexed by the City of Cleveland.

(f) *Basis for Establishing the areas of Special Flood Hazard.* For the purposes of these regulations, the following studies and / or maps are adopted:

(1) Flood Insurance Study Cuyahoga County, Ohio and Incorporated Areas and Flood Insurance Rate map Cuyahoga County, Ohio and Incorporated Areas both effective December 3, 2010.

(2) Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.

(3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Cleveland as required by division (c) of Section 3167.04, Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at 601 Lakeside Avenue, Cleveland, Ohio 44114.

(g) *Abrogation and Greater Restrictions.* In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

(h) *Interpretation.* In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) *Warning and Disclaimer of Liability.* The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Cleveland, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) *Severability.* Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the reg-

ulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 3167.02 Definitions**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

(a) *Accessory Structure.* A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) *Appeal.* A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

(c) *Base Flood.* The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

(d) *Base (100-Year) Flood Elevation (BFE).* The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

(e) *Basement.* Any area of the building having its floor subgrade (below ground level) on all sides.

(f) *Development.* Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(g) *Enclosure Below the Lowest Floor.* See "Lowest Floor."

(h) *Executive Order 11988 (Floodplain Management).* Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

(i) *Federal Emergency Management Agency (FEMA).* The agency with the overall responsibility for administering the National Flood Insurance Program.

(j) *Fill.* A deposit of earth material placed by artificial means.

(k) *Flood or Flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(l) *Flood Hazard Boundary Map (FHBM).* Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

(m) *Flood Insurance Rate Map (FIRM).* An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

(n) *Flood Insurance Risk Zones.* Zone designations on FHBMs and FIRMs that indicate the magnitude of

the flood hazard in specific areas of a community. Following are the zone definitions:

(1) *Zone A*: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

(2) *Zones A1-30 and Zone AE*: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

(3) *Zone AO*: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

(4) *Zone AH*: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

(5) *Zone A99*: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

(6) *Zone B and Zone X (shaded)*: Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

(7) *Zone C and Zone X (unshaded)*: Areas determined to be outside the 500-year floodplain.

(o) *Flood Insurance Study (FIS)*. The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

(p) *Flood Protection Elevation*. The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

(q) *Floodway*. A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

(r) *Freeboard*. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

(s) *Historic structure*. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

(t) *Hydrologic and hydraulic engineering analysis*. An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(u) *Letter of Map Change (LOMC)*. A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

(1) *Letter of Map Amendment (LOMA)*. A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

(2) *Letter of Map Revision (LOMR)*. A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

(3) *Conditional Letter of Map Revision (CLOMR)*. A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(v) *Lowest floor*. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

(w) *Manufactured home*. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

(x) *Manufactured home park*. As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

(y) *National Flood Insurance Program (NFIP)*. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

(z) *New construction*. Structures for which the "start of construction" commenced on or after the initial effective date of the City of Cleveland Flood Insurance Rate Map, August 1, 1978, and includes any subsequent improvements to such structures.

(aa) *Person*. Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(bb) *Recreational vehicle*. A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(cc) *Registered Professional Architect*. A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

(dd) *Registered Professional Engineer*. A person registered as a professional engineer under Chapter 4733 of the Revised Code.

(ee) *Registered Professional Surveyor*. A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

(ff) *Special Flood Hazard Area*. Also known as "Areas of Special

Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

(gg) *Start of construction.* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(hh) *Structure.* A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(ii) *Substantial Damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(jj) *Substantial Improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(1) Any improvement to a structure that is considered "new construction,"

(2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

(kk) *Variance.* A grant of relief from the standards of these regula-

tions consistent with the variance conditions herein.

(ll) *Violation.* The failure of a structure or other development to be fully compliant with these regulations.

#### **Section 3167.03 Administration**

(a) *Designation of the Floodplain Administrator.* The Director of Building and Housing, or his or her designee, is appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) *Duties and Responsibilities of the Floodplain Administrator.* The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

(1) Evaluate applications for permits to develop in special flood hazard areas.

(2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

(3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.

(4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.

(5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.

(6) Enforce the provisions of these regulations.

(7) Provide information, testimony, or other evidence as needed during variance hearings.

(8) Coordinate map maintenance activities and FEMA follow-up.

(9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) *Floodplain Development Permits.* It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in division (f) of Section 3167.01, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) *Application Required.* An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein

referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

(1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

(2) Elevation of the existing, natural ground where structures are proposed.

(3) Elevation of the lowest floor, including basement, of all proposed structures.

(4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

(5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

A. Floodproofing certification for non-residential floodproofed structure as required in division (e) of Section 3167.04.

B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of division (d) of Section 3167.04 are designed to automatically equalize hydrostatic flood forces.

C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in division (i)(3) of Section 3167.04.

D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by division (i)(2) of Section 3167.04.

E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by division (i)(1) of Section 3167.04.

F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by division (c) of Section 3167.04.

(6) A floodplain development permit application fee, which shall be the fee for new construction established in Section 3105.25(b)(1).

(e) *Review and Approval of a Floodplain Development Permit Application.*

(1) *Review.*

A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in division (d) of Section 3167.03 has been received by the Floodplain Administrator.

B. The Floodplain Administrator shall review all floodplain develop-



ment permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) *Approval.* Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) *Inspections.* The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) *Post-Construction Certifications Required.* The following as-built certifications are required after a floodplain development permit has been issued:

(1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

(2) For all development activities subject to the standards of division (j)(1) of Section 3167.03, a Letter of Map Revision.

(h) *Revoking a Floodplain Development Permit.* A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Cleveland Board of Building Standards) in accordance with Section 3167.05 of these regulations.

(i) *Exemption from Filing a Development Permit.* An application for a floodplain development permit shall not be required for:

(1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.

(2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.

(3) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.

(4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.

(5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) *Map Maintenance Activities.* To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Cleveland flood maps, studies and other data identified in division (f) of Section 3167.01 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) *Requirement to Submit New Technical Data*

A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with division (c) of Section 3167.04.

B. It is the responsibility of the applicant to have technical data, required in accordance with division (j)(1) of Section 3167.03 prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and

2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to division (j)(1)A. of Section 3167.03.

(2) *Right to Submit New Technical Data.* The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Cleveland and may be submitted at any time.

(3) *Annexation / Detachment.* Upon occurrence, the Floodplain Administrator shall notify FEMA in

writing whenever the boundaries of the City of Cleveland have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Cleveland's Flood Insurance Rate Map accurately represent the City of Cleveland boundaries, include within such notification a copy of a map of the City of Cleveland suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Cleveland has assumed or relinquished floodplain management regulatory authority.

(k) *Data Use and Flood Map Interpretation.* The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

(2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

(3) When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:

A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.

B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and / or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

(4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 3167.05, Appeals and Variances.

(5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(1) *Substantial Damage Determinations.* Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a

damage event, the Floodplain Administrator shall:

(1) Determine whether damaged structures are located in special flood hazard areas;

(2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

(3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

#### **Section 3167.04 Use and Development Standards for Flood Hazard Reduction**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in division (f) of Section 3167.02 or division (k)(1) of Section 3167.03.

##### **(a) Use Regulations**

(1) *Permitted Uses.* All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Cleveland are allowed provided they meet the provisions of these regulations.

##### **(2) Prohibited Uses**

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

(b) *Water and Wastewater Systems.* The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

##### **(c) Subdivisions and Large Developments**

(1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

(5) The applicant shall meet the requirement to submit technical data to FEMA in division (j)(1)A.4. of Section 3167.03 when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by division (c)(4) of this section.

##### **(d) Residential Structures**

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring and construction materials resistant to flood damage in divisions (d)(1) and (d)(2) of this section are satisfied.

(2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

A. Be used only for the parking of vehicles, building access, or storage; and

B. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

C. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the

structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this section.

(8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

##### **(e) Nonresidential Structures**

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of division (d)(1), (d)(2), (d)(3), and (d)(5), (d)(6), and (d)(7) of this section.

(2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

C. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with division (e)(2)A. and (e)(2)B.

(3) Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.]

(f) *Accessory Structures.* Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

(1) They shall not be used for human habitation;

(2) They shall be constructed of flood resistant materials;

(3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(4) They shall be firmly anchored to prevent flotation;

(5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and

(6) They shall meet the opening requirements of division (d)(5)C. of this section;

(g) *Recreational Vehicles.* Recreational vehicles must meet at least one of the following standards:

(1) They shall not be located on sites in special flood hazard areas for more than 180 days, or

(2) They must be fully licensed and ready for highway use, or

(3) They must meet all standards of Section 4.4.

(h) *Above Ground Gas or Liquid Storage Tanks.* All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(i) *Assurance of Flood Carrying Capacity.* Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(1) *Development in Floodways.*

A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. Meet the requirements to submit technical data in division (j)(1) of Section 3167.03;

2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;

4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and

5. Concurrence of the Mayor of Cleveland and the Chief Executive Officer of any other communities impacted by the proposed actions.

(2) *Development in Riverine Areas with Base Flood Elevations but No Floodways*

A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;

2. Divisions (i)(1)B.1., (i)(1)B.3., (i)(1)B.4., and (i)(1)B.5. of Section 3167.04.

(3) *Alterations of a Watercourse.* For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Cleveland specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

D. The applicant shall meet the requirements to submit technical data in division (j)(1)A.3. of Section 3167.03) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

**Section 3167.05 Appeals Board Established**

(a) The Board of Building Standards and Buildings Appeals as established by the Charter shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) *Powers and Duties*

(1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

(2) Authorize variances in accordance with division (d) of this section of these regulations.

(c) *Appeals.* Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain

Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) *Variances.* Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) *Application for a Variance.*

A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

C. All application for a variance shall be accompanied by a Variance Application Fee set in accordance with Section 329.05.

(2) *Notice for Public Hearing.* The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

(3) *Public Hearing.* At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

A. The danger that materials may be swept onto other lands to the injury of others.

B. The danger to life and property due to flooding or erosion damage.

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

D. The importance of the services provided by the proposed facility to the community.

E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.

F. The necessity to the facility of a waterfront location, where applicable.

G. The compatibility of the proposed use with existing and anticipated development.

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

I. The safety of access to the property in times of flood for ordinary and emergency vehicles.

J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variations shall only be issued upon:

L. A showing of good and sufficient cause.

M. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

N. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

O. A determination that the structure or other development is protected by methods to minimize flood damages.

P. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(4) *Other Conditions for Variances*

A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in division (d)(3) of Section 3167.05 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) *Procedure at Hearings*

(1) All testimony shall be given under oath.

(2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.

(3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

(4) The administrator may present evidence or testimony in opposition to the appeal or variance.

(5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.

(6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.

(7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

(8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) *Appeal to the Court.* Those aggrieved by the decision of the Appeals Board may appeal such decision to the Cuyahoga County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

**Section 3167.06 Enforcement**

(a) *Compliance Required*

(1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in division (i) of Section 3167.03.

(2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 3167.99.

(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 3167.99.

(b) *Notice of Violation.* Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

(1) Be put in writing on an appropriate form;

(2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;

(3) Specify a reasonable time for performance;

(4) Advise the owner, operator, or occupant of the right to appeal;

(5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

**Section 3167.99 Violations and Penalties**

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the city of Cleveland. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Cleveland from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Cleveland shall prosecute any violation of these regulations in accordance with the penalties stated herein.

**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 adoption.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

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

**Res. No. 1611-10.**

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

**An emergency resolution supporting the Greater Cleveland HIV/AIDS Community in recognizing World AIDS Day on December 1st.**

Whereas, every year, people around the world recognize December 1st as World AIDS Day; and

Whereas, World AIDS Day is an opportunity to raise awareness of the epidemic that still affects our community, to commemorate those who have passed on and to honor those who are with us; and

Whereas, this year, the HIV/AIDS community in Northeast Ohio are uniting to shine the light on the increased need for AIDS prevention and access to treatment and services; and

Whereas, on December 1, 2010, there will be a candlelight vigil, march and reception with participants from all over the City including: this Council, the City of Cleveland, the Rock and Roll Hall of Fame and Museum, RED, The AIDS Taskforce of Greater Cleveland, Care Alliance Health Center, the AIDS Funding Collaborative, Antioch Development Corporation/AGAPE, The Free Clinic, Ohio AIDS Coalition, Nueva Luz Urban Resource Center/Proyecto Luz; and

Whereas, on December 1st, the lights of Cleveland will turn off at 5:30 pm for one minute in memory of our friends and family who have passed away; at 5:31, the lights will go back on and the Rock and Roll Hall of Fame and Museum will be illuminated in red to show our unified commitment to promote prevention and provide care, services and treatment to citizens of Northeast Ohio; and

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

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

**Section 1.** That this Council supports the Greater Cleveland HIV/AIDS Community in recognizing World AIDS Day on December 1st

**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 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

#### SECOND READING EMERGENCY ORDINANCES

**Ord. No. 1330-A-10. (As a substitute for Ordinance No. 1330-10).**

By Mayor Jackson.

An emergency ordinance to discontinue the Departments of Public Service and Parks, Recreation and Properties and the Divisions of Architecture, Research, Planning and Development, and Engineering and Construction by repealing various sections of Chapters 131 and 133, as amended and enacted by various ordinances; to repeal the remaining sections of Chapters 131 and 133, as amended and enacted by various ordinances; to create the Department of Public Works, and to supplement the codified ordinances by enacting new Sections 131.01 to 131.88.

Approved by Directors of Public Service, Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Service, Public Parks, Properties, and Recreation, Legislation, Finance, when amended, as follows:

1. In Section 4, on page 36, at the new Section entitled "457.051", in line one, strike "457.051" and insert "457.071".

Amendment agreed to.

**Ord. No. 1331-10.**

By Mayor Jackson.

An emergency ordinance to amend Sections, 2, 5, and 40 of Ordinance No. 947-08, passed June 9, 2008, as amended, relating to compensation for various classifications.

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

1. In Section 1, at amended Section 2(b), line 3, strike "Consumer Affairs".

2. In Section 1, at amended Section 5, strike lines 1, 2, 3, 4, 5, 6, and 7 in their entirety and insert: "**Section 5. Special Assistants to the Mayor, Secretaries to Directors of Departments, Secretary of the Civil Service Commission, Secretary to Director of Department of Port Control, and Assistant Directors**

**That the salary of the Special Assistants to the Mayor, Secretaries**

**to Directors of Departments, Secretary of the Civil Service Commission, Secretary to Director of Department of Port Control, and Assistant Directors shall be fixed by the Mayor under the following schedule:**"

3. In Section 1, at amended Section 40, insert new classification 17a. to read as follows:

"17a. Commissioner of Motor Vehicle Maintenance \$40,314.82 \$128,214.57".

4. In Section 1, at amended Section 40, insert new classification 18a. to read as follows:

"18a. Commissioner of Real Estate \$40,314.82 \$118,350.91".

Amendments agreed to.

#### SECOND READING EMERGENCY ORDINANCES PASSED

**Ord. No. 675-09.**

By Council Member Mitchell.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.17 relating to satellite dishes.

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

1. In the title, line 4, and in Section 1, lines 2 and 3, strike "347.17" and insert "347.18" in all three places.

2. In Section 1, at existing Section 347.17(a), strike lines 2 and 3 in their entirety and insert "order to protect the public health and safety and to protect the visual character of residential areas. This section is intended to comply with state and".

3. In Section 1, at existing Section 347.17(b), line 1, after "means a round" insert "or oblong".

4. In Section 1, at existing Section 347.17(c), line 1, after "Location" insert "and Number"; strike subdivisions "(1)" and "(2)" in their entirety and insert:

"(1) The preferred location of a roof-mounted satellite dish is as near to the rear property line as is practicable to not impose unreasonable limitations on reception.

(2) No satellite dish mounted in the ground or attached to a fence or tree shall be placed in a front yard or in a side yard if such side yard is located in a Residential District or adjacent to a Residential District.

(3) No free-standing satellite dish antenna shall be located closer than three (3) feet to any property line.

(4) For buildings containing one or more dwelling units, there shall be no more than one (1) satellite dish antenna per dwelling unit and no more than four (4) for any building, whichever is less."

5. In Section 1, at existing Section 347.17(d)(1), lines 1 and 2, strike "principal structure shall not exceed three feet," and insert "one-family, two-family or three-family house shall be thirty-six (36) inches."; and in 347.17(d)(2), line 2, strike "not exceed ten feet." and insert "be ten (10) feet."

6. In Section 1, at existing Section 347.17, insert new divisions (e), (f), and (g) to read as follows:

"(e) Permits. A Building Permit shall be required for a satellite dish antenna only in the following instances:

(1) if the satellite dish antenna exceeds thirty-six (36) inches in diameter; or

(2) if the satellite dish antenna is mounted to a pole or other support structure that exceeds ten (10) feet in height.

(f) Applicability. The regulations of this section shall apply to all satellite dish antennas installed more than ninety (90) days after the effective date of this ordinance.

(g) Removal. Any satellite dish antenna that has been unused for reception for a continuous period of six (6) months or more shall be removed by the owner of the antenna."

7. In Section 1, at existing Section 347.17(e), renumber subdivision (e) to new "(h)" and between existing "(e)" and "Whoever" insert "Penalty."

Amendments agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

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

**Ord. No. 1203-10.**

By Council Member Brancatelli.

An emergency ordinance to amend Section 675.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 673-05, passed July 12, 2006, relating to time restriction for peddling door-to-door on residential property.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1352-10.**

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

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 69549 for the lower level roadway rehabilitation project with Independence Excavating, Inc., for the Department of Port Control.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of City Planning Committee; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1417-10.**

By Council Member K. Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 92nd Street to Micelli-LoGrasso Development, LLC.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1446-10.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. 67463 with InterVISTAS-ga2 Consulting, Inc. to provide

air service consulting and advising services for the Department of Port Control.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1456-10.**

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide weatherization assistance to low-income city residents under the Home Weatherization Assistance Program.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1464-10.**

By Council Member Miller.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cliffview Road to Cleveland Municipal School District. Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1503-10.**

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. 68853 with LHD & Associates, Inc. to provide lobbying services for airport-related matters.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1507-10.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more agreements with the Ohio State University Extension, or their designee, and Burten, Bell, Carr Development, Inc., or their designee, to participate in, and implement an Urban Agriculture Pilot Project to be located in the Kinsman area of the City of Cleveland, for a period of three years.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read

third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1520-10.**

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 467-10, passed May 24, 2010, relating to authorizing the director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization II Program, and authorizing grants and leases to implement the program.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1560-10.**

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

An emergency ordinance authorizing the retention and use of revenue by the general fund from tax remittances collected by Cleveland Public Power during the years 2011 and 2012.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1571-10.**

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

An emergency ordinance authorizing the issuance and sale by the City of Airport System Revenue Refunding Bonds to refund outstanding Airport System Revenue Bonds; authorizing supplemental indentures and other agreements related to the bonds; and authorizing and approving related matters.

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

1. In Section 19, in lines 1 and in line 3, strike "three" and insert "two".

Amendment agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

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

**Ord. No. 1572-10.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of General Obligation Refunding Bonds to refund outstanding General Obligation Bonds of the City to obtain debt service savings and authorizing and approving related matters.

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

1. In Section 19, in lines 2 and in line 4, strike "three" and insert "two".

Amendment agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

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

**Ord. No. 1582-10.**

By Council Member Sweeney (by departmental request).

An emergency ordinance to make additional appropriations of Eight Million Four Hundred Fifty Thousand (\$8,450,000) of Special Revenue Funds, One Hundred Thousand Dollars (\$100,000) of Internal Service Funds, and Three Hundred Ninety Four Thousand (\$394,000) of Debt Service Funds.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1583-10.**

By Council Member Sweeney (by departmental request).

An emergency ordinance to provide the transfer of Three Million Three Hundred Six Thousand Five Hundred Dollars (\$3,306,500) within various divisions of the General Fund.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 1584-10.**

By Council Member Sweeney (by departmental request).

An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2011 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2011.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**MOTION**

By Council Member Dow, seconded by Council Member Keane, and unanimously carried that the absence of Council President Martin J. Sweeney, Council Member Brian J. Cummins, Council Member Eugene R. Miller and Council Member Terrell H. Pruitt be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:30 p.m. to meet on Monday, December 6, 2010 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

---

**THE CALENDAR**


---

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

**Ord. No. 1330-A-10. (As a substitute for Ordinance No. 1330-10).**

**By Mayor Jackson.**

**An emergency ordinance to discontinue the Departments of Public Service and Parks, Recreation and Properties and the Divisions of Architecture, Research, Planning and Development, and Engineering and Construction by repealing various sections of Chapters 131 and 133, as amended and enacted by various ordinances; to repeal the remaining sections of Chapters 131 and 133, as amended and enacted by various ordinances; to create the Department of Public Works, and to supplement the codified ordinances by enacting new Sections 131.01 to 131.88.**

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, upon the concurrence of the Board of Control, as required by Sections 77 and 79, the Departments of Public Service and Parks, Recreation and Properties, and the Divisions of Architecture, Engineering and Construction, and Research, Planning and Development are discontinued and the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.01, as enacted by Ordinance No. 63410-A, passed September 22, 1924,  
 Section 131.02, as amended by Ordinance No. 617-97, passed June 9, 1997,  
 Section 131.05, as enacted by Ordinance No. 97148, passed March 21, 1932,  
 Section 131.06, as amended by Ordinance No. 2111-A-69, passed March 9, 1970,  
 Sections 131.07 and 131.08, as enacted by Ordinance No. 1017890-A, passed October 1, 1934,  
 Section 131.11, as enacted by Ordinance No. 63410-A, passed September 22, 1924,  
 Section 131.12, as amended by Ordinance No. 802-69, passed May 19, 1969,  
 Section 131.13, as amended by Ordinance No. 90-43, passed April 19, 1943,  
 Sections 131.14 and 131.15, as amended by Ordinance No. 802-69, passed May 19, 1969,  
 Sections 131.151 and 131.152, as amended by Ordinance No. 1806-2000, passed March 19, 2001,  
 Sections 133.01, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.02, as amended by Ordinance No. 2225-93, passed November 8, 1993,  
 Section 133.021, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Sections 133.06, 133.07, and 133.08, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.09, as amended by Ordinance No. 1500-03, passed October 6, 2003,  
 Section 133.10, as amended by Ordinance No. 2044-92, passed December 7, 1992,  
 Section 133.11, as amended by Ordinance No. 1500-03, passed October 6, 2003,  
 Section 133.12, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.13, as amended by Ordinance No. 2512-93, passed June 6, 1994,  
 Section 133.20, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.21, as amended by Ordinance No. 2512-93, passed June 6, 1994, and  
 Sections 133.22 and 133.23, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 are repealed.

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

Section 131.021, as enacted by Ordinance No. 313-92, passed December 7, 1992,  
 Section 131.03, as amended by Ordinance No. 2279-95, passed June 12, 2000,  
 Section 131.04, as enacted by Ordinance No. 425-43, passed April 30, 1945,  
 Section 131.061, as enacted by Ordinance No. 7-16, passed March 20, 2006,  
 Section 131.09, as enacted by Ordinance No. 1017890-A, passed October 1, 1934,  
 Section 131.10, as enacted by Ordinance No. 153-39, passed March 13, 1939,  
 Section 131.16, as amended by Ordinance No. 891-86, passed May 23, 1986,  
 Sections 131.17, 131.18, and 131.19, as enacted by Ordinance No. 686-07, passed June 11, 2007,  
 Section 131.99, as enacted by Ordinance No. 107152, passed February 14, 1938,  
 Section 133.03, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.031, as amended by Ordinance No. 774-A-94, passed May 2, 1994,  
 Section 133.04, as amended by Ordinance No. 768-2000, passed June 12, 2000,  
 Sections 133.14 and 133.15, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.16, as amended by Ordinance No. 1027-2000, passed June 5, 2000,  
 Section 133.17, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.171, as enacted by Ordinance No. 1970-2000, passed July 18, 2001,  
 Sections 133.18 and 133.19, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.24, as amended by Ordinance No. 2008-99, passed November 15, 1999,  
 Sections 133.25, 133.26, and 133.27, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.271, as amended by Ordinance No. 1252-09, passed October 19, 2009,  
 Section 133.28, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.29, as amended by Ordinance No. 503-08, passed April 13, 2008,  
 Section 133.30, as amended by Ordinance No. 943-04, passed June 14, 2004,  
 Section 133.31, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.311, as amended by Ordinance No. 323-99, passed April 3, 2000,  
 Section 133.32, as amended by Ordinance No. 1142-03, passed June 10, 2003,  
 Section 133.321, as amended by Ordinance No. 1106-03, passed June 10, 2003,  
 Section 133.322, as amended by Ordinance No. 834-06, passed June 12, 2006,  
 Section 133.33, as amended by Ordinance No. 2393-02, passed February 3, 2003,  
 Section 133.331, as amended by Ordinance No. 637-02, passed May 20, 2002, and  
 Section 133.34, as amended by Ordinance No. 2393-02, passed February 3, 2003,  
 are repealed.

**Section 3.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Department of Public Works is established, and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 131.01 to 131.06, 131.13, 131.14, 131.29, 131.30, 131.39, 131.40, 131.46, 131.47, 131.52, 131.53, 131.57, 131.58, 131.62, 131.63, 131.70, 131.71, 131.75, and 131.76 to read as follows:

**CHAPTER 131  
DEPARTMENT OF PUBLIC WORKS**

**Section 131.01 Establishment of the Department of Public Works**

There is established a Department of Public Works to be controlled and administered by a Director of Public Works, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Mayor. The Director may appoint and employ Assistant Directors, a secretary who may be in the unclassified service, and such other officers and employees as may be necessary for the operation of his office and the several divisions and activities comprising the Department, except officers and employees appointed by commissioners of the several divisions in accordance with the provisions of Charter Section 79.

**Section 131.02 Duties of the Director of Public Works**

The Director of Public Works either directly or through the appropriate divisions established in the Department of Public Works, shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided by the Charter and ordinances of the City. He shall have charge of the planning, construction, improvement, repair and maintenance of streets, boulevards, sidewalks, alleys, lanes and other public highways; of the planning, construction, improvement, repair and maintenance and the operation of bridges and viaducts; of drains, ditches, culverts; the cleaning and sprinkling of streets, boulevards and public places; the collection and disposal of waste; the preservation of tools, equipment and other property belonging to the City and pertaining to the Department of Public Works; charge and management of City Hall buildings; all City parks, recreation facilities and markets; all City off-street parking facilities not under the jurisdiction of another department; all other real estate belonging to the City and not under the jurisdiction of another department; the installation and maintenance of parking meters in parking meter zones established by the Commissioner of Traffic Engineering; and the issuance of parking infraction tickets and the impoundment of vehicles to the extent that the Codified Ordinances specifically authorize employees of the Division of Parking Facilities to perform said tasks.

The Director of Public Works and his designees, which shall include only supervisory or higher ranking officials in the Department of Public Works, when commissioned by the Director of Public Safety as special police, may enforce minor misdemeanor offenses related to solid waste collection and disposal through the issuance of citations in accordance with Rule 4.1 of the Rules of Criminal Procedure. He shall further perform all other duties pertaining to the Department which may be required of him by ordinance or by the Mayor.

**Section 131.03 Office of Administration**

There is established in the Department of Public Works an Office of Administration to be administered and controlled by a Manager of Administration, subject to the provisions of the Charter and Codified Ordinances of Cleveland, Ohio 1976 and the supervision of the Director of Public Works.

**Section 131.04 Duties of the Manager of Administration**

The Manager of Administration shall control and supervise all activities and personnel of the Office of Administration; shall coordinate departmental support for the various divisions of the Department of Public Works in the areas of personnel, legislation, budgeting, purchasing, information technology and in such additional areas as are determined to be necessary by the Director of Public Works for the efficient operation of the Department; and shall perform such other duties as may from time to time be required by ordinance or by the Director of Public Works.

**Section 131.05 Office of Special Events and Marketing**

There is established in the Department of Public Works an Office of Special Events and Marketing to be administered and controlled by a Manager of Special Events and Marketing, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Public Works.

**Section 131.06 Duties of the Manager of Special Events and Marketing**

The Manager of Special Events and Marketing shall:

- (a) make recommendations to the Director regarding the issuance and conditions of issuance for all permits governing special events occurring within the corporate boundaries of the city;
- (b) prior to and during every special event, coordinate the permitting process of all city departments providing services to the special event;
- (c) provide technical assistance and information to special event applicants;
- (d) recommend to the Director appropriate risk management measures to protect the city during each special event;
- (e) administer all special event concession agreements and all special event permits under this chapter excepting only those concession agreements which apply to property under the control of the Directors of Port Control and Public Utilities;
- (f) have the authority to determine and require events promoters to provide essential services, including but not limited to, adequate on-site safety and traffic control, fire protection, first-aid services, sanitation and clean up; and
- (g) preside over such special events steering committees of City personnel from more than one City department as may be appointed by the directors of the affected city departments and record all actions taken by the committees.

(h) shall have charge and management of the of The Public Hall, the Music Hall, the Little Theater, the main arena, Mall Units 1 and 2 (Malls B and C), and all meeting rooms which shall comprise and be known as "The Public Auditorium Building," and Cleveland Browns Stadium.

**Section 131.29 Division of Recreation**

There is established a Division of Recreation in the Department of Public Works, to be administered and controlled by a Commissioner of Recreation, subject to the Charter and ordinances of the City, and to the direction of the Director of Public Works.



**Section 131.30 Duties of the Commissioner of Recreation**

The Commissioner of Recreation shall have charge and management of all recreational property and activities of the City, including without limitation playgrounds, ballfields, tennis courts, skating rinks, Camp George L. Forbes and the operation and maintenance of all City golf courses. The Commissioner shall administer permits under the same terms and conditions as those set forth in Section 131.06 for the use of any property under his charge and management which is not subject to the authority of the Manager of Special Events under Sections 131.06 and 131.07. The Commissioner may enter into agreements with the owners of premises in the vicinity of City playgrounds for the storage of playground equipment on such terms and conditions as may be approved by the Board of Control.

**Section 131.39 Division of Park Maintenance and Properties**

There is established a Division of Park Maintenance and Properties in the Department of Public Works, which shall be administered and controlled by a Commissioner of Park Maintenance and Properties, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Public Works.

**Section 131.40 Duties of the Commissioner of Park Maintenance and Properties**

The Commissioner of Park Maintenance and Properties shall direct and assist managers and assistant managers in the Division of Park Maintenance and Properties in scheduling daily operations in all phases of ground maintenance for park and recreational areas and all other properties designated by the Director of Public Works. The Commissioner shall have charge and management of the City greenhouse, nurseries and cultural gardens, the operation and maintenance of all City cemeteries, and all aspects of the planting, maintenance, removal and disposal of trees, grass, shrubs, ground covers and other vegetation, except at the City golf courses.

**Section 131.46 Division of Streets**

There is established a Division of Streets in the Department of Public Works, which shall be administered and controlled by a commissioner to be known as the Commissioner of Streets, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Public Works.

**Section 131.47 Duties of the Commissioner of Streets**

The Commissioner of Streets shall supervise the work of other officers and employees in the Division of Streets; see that the streets and boulevards belonging to the City are kept clean and passable; repair and maintain all pavements and roadways in the streets and boulevards belonging to the City; clean gutters; preserve and care for all equipment, apparatus, supplies and other property of the City used in the operation of the Division; keep such records pertaining to the work of the Division as may be specifically required by ordinance or rule, or as may be necessary or useful in the efficient management of the Division.

**Section 131.52 Division of Traffic Engineering**

There is established in the Department of Public Works, a Division of Traffic Engineering to be administered and controlled by a Commissioner of Traffic Engineering, subject to the provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Public Works.

**Section 131.53 Duties of the Commissioner of Traffic Engineering**

The Commissioner of Traffic Engineering shall administer and supervise the affairs of the Division of Traffic Engineering and prepare drawings, standards and specifications; determine parking restrictions; set up time-space progressive movement signal charts; lay out parking restriction zones including, but not limited to, establishing parking meter zones on streets or parts thereof where parking meters shall be installed; lay out roadway markings; check plans for street changes, permits and all matters bearing on traffic safety; receive complaints and suggestions; make personal observations of traffic confusion and hazards; make factual studies from spot maps, collision and condition diagrams; make vehicle studies, speed studies, pedestrian studies, obedience checks, special observations, and parking studies; prepare and disseminate accident statistics; watch accident records, spot maps and high accident area lists; cooperate with safety organizations; submit detailed recommendations; prepare detailed plans and specifications; prepare publicly for proposed changes; follow through to see that recommendations are carried out; and make rechecks after changes have been made. The Commissioner of Traffic Engineering shall perform such other and further duties as Council or the Mayor from time to time require of him.

**Section 131.57 Division of Waste Collection and Disposal**

There is established in the Department of Public Works, a Division of Waste Collection and Disposal which shall be administered and controlled by a Commissioner of Waste Collection and Disposal subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Public Works.

**Section 131.58 Duties of the Commissioner of Waste Collection and Disposal**

The Commissioner of Waste Collection and Disposal shall supervise the work of other officers and employees in the Division of Waste Collection and Disposal; collect and dispose of waste and refuse as defined in Section 551.01 of the Codified Ordinances; provide for the collection of street and public waste from public receptacles; keep such records pertaining to the Division as may be necessary or useful in the efficient management of the Division.

**Section 131.62 Division of Motor Vehicle Maintenance**

There is established in the Department of Public Works, a Division of Motor Vehicle Maintenance, to be administered and controlled by a Commissioner of Motor Vehicle Maintenance, subject to the Charter and ordinances of the City, and to the supervision and direction of the Director of Public Works.

**Section 131.63 Duties of the Commissioner of Motor Vehicle Maintenance**

The Commissioner shall control and supervise the, procurement, custody, maintenance, repair and assignment for use of all motorized equipment of the Department, and render similar service to all other departments of the City government upon order of the Mayor or the written request of the director of such department. He shall keep all motorized

equipment of the Department and of such other departments as ordered or requested under his custody and shall make such equipment available to the proper City employee under such rules and regulations as shall be established by the Board of Control, except that all motorized equipment of the Department of Public Utilities shall be subject to such rules and regulations as may be established by the Director of Public Utilities with the approval of the Mayor. He shall perform such further duties as may from time to time be required of him by ordinance or by the Director of Public Works.

**Section 131.70 Division of Property Management**

There is established in the Department of Public Works, a Division of Property Management to be administered and controlled by a Commissioner of Property Management, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Public Works.

**Section 131.71 Duties of the Commissioner of Property Management**

The Commissioner of Property Management shall be responsible for the listing, maintenance and utility servicing of all city-owned or leased real property and buildings, including without limitation:

- (a) construction services, including general maintenance, warehouse and inventory, contracted services, heating, ventilation, air conditioning and mechanical work;
- (b) building services, including custodial, space utilization, energy, environmental affairs, security and control, City Hall building, and multi-use facilities; and
- (c) charge and management of the City's East Side Market, including responsibility for maintenance of the Market.

**Section 131.75 Division of Parking Facilities**

There is established in the Department of Public Works, a Division of Parking Facilities to be administered and controlled by a Commissioner of Parking Facilities, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision and direction of the Director of Public Works.

**Section 131.76 Duties of Commissioner of Parking Facilities**

The Commissioner of Parking Facilities shall be responsible for the construction, maintenance and operation of all City off-street parking facilities, including the Willard Park Garage, Burke Lakefront Airport parking facilities and all other such facilities not in charge of another department. He shall cause to be collected such charges and fees as may be established by the Board of Control and perform such other duties as Council or the Mayor may from time to time require of him.

**Section 4.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting the following new Sections: 131.07 to 131.12, 131.15 to 131.28, 131.31 to 131.38, 131.41 to 131.45, 131.48 to 131.51, 131.54 to 131.56, 131.59 to 131.61, 131.64 to 131.69, 131.72 to 131.74, and 131.77 to 131.88, and Section 457.071 to read as follows:

**Section 131.07 Special Event Permits**

For purposes of this Chapter, "special event" means a preplanned event or series of events of less than a week's duration, sponsored by a public or private person or entity, which is: (1) located wholly or partially on property which is owned or maintained by the City of Cleveland; or (2) located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree significantly over and above that which the City of Cleveland routinely provides under ordinary everyday circumstances.

City buildings, parks and all other real estate under control of the Director which have been constructed or maintained for the benefit of the public shall be for the use of the public in general under the Charter and ordinances of the City of Cleveland. To that end, no person or entity shall be given any special or exclusive privilege to use any public property under the control of the Director without first obtaining a permit under this section. Additionally, the Director shall ensure that proper coordination occurs among necessary city departments to facilitate the use of city streets for special event activities including parades, marathons, foot races/bike-a-thons, and all other events requiring closure of a right-of-way.

All closures of city streets in conjunction with a special event shall be approved by the Police Traffic Commissioner, Commissioner of Streets, and Manager of Special Events, and Marketing.

(a) The Director may establish rules and regulations for the use of public property under his control. Such rules and regulations shall become effective ten days after publication in the City Record and shall be enforced as ordinances of the City.

(b) The Director may place reasonable time restrictions on the issuance of special event permits, including without limitation a prior notice requirement, first-come, first-served scheduling, limitations on frequency of use, and limitation of permits to normal operating hours for the city property. The Director's prior notice requirement may not exceed five days for special event permits not subject to the requirements of Section 131.08.

(c) The Director may place reasonable place restrictions on the issuance of special event permits, which restrictions may consider the historic use of the property, recreational use policies adopted in the director's rules and regulations, the size of the property and the degree to which the special event would interfere with the historic use and adopted recreational use policies for the property.

(d) The Director may deny or revoke a special event permit whenever he finds:

(1) the applicant person or entity has previously violated the provisions of a special event permit or has submitted materially false or incomplete information on any special event permit application; or

(2) the special event would unreasonably interfere with the movement of or service capability of police vehicles, fire-fighting equipment or ambulance service; or

(3) the special event would unreasonably interfere with the historic recreational use and the adopted recreational use policies for a neighborhood park; or

(4) the special event would unreasonably interfere with another special event for which a permit has been issued.

The Director may charge a permit application fee, subject to approval of Board of Control, in an amount not to exceed the Director's cost in administering such application.

**Section 131.08 Special Event Concession Agreement and Charges**

Every person or entity sponsoring a special event involving sale of items, charging of admissions, or closure of more than one-half linear mile of City streets shall comply with the following requirements:

(a) obtain a permit under Section 131.07, provided, however, that prior to the issuance of a permit to use City property managed by a City department other than the Department of Public Works, the director of the affected department must consent to the issuance of the permit;

(b) submit an application in a form approved by the director of the affected department or his designee within such time period prior to the special event as may be established by the Director;

(c) if the special event is to be located wholly or partially on property which is owned, leased or maintained by the City of Cleveland, pay property rent in scheduled amounts determined from time to time by the Board of Control; in setting rents, the Board of Control may consider without limitation the following considerations entitling the applicant to a reduced or abated rent:

(1) the economic impact of the special event on the Greater Cleveland economy as reflected in sales taxes, transient occupancy taxes, and admission taxes;

(2) the extent to which the special event will preserve the City's recreational use immunity provided in RC 1533.181 on all property used for the special event;

(3) the percentage of the special event gross revenues which will accrue to a charity or charities qualifying under Section 501(c)(3) of the Internal Revenue Code.

(d) pay all costs, at scheduled rates as determined from time to time by the director of the affected department or designee and approved by the Board of Control, for services and equipment exceeding normal service levels incurred during a special event by the City's Department of Public Works;

(e) pay such additional costs for services exceeding normal service levels incurred during the special event by other City departments at scheduled rates determined by the director of the affected department or his designee and approved from time to time by the Board of Control;

(f) provide such services at the applicant's sole cost, including without limitation security and traffic control, crowd management, fire protection, food service control and inspection, waste and litter control, and any other services necessary to ensure that an event is conducted in a safe manner to protect the safety, health, property and general welfare of the City's citizens, as determined by the director of the affected department or his designee and approved by the Board of Control; and

(g) submit an independently audited statement of gross revenues derived from the special event within such time period after the special event as may be specified by the director of the affected department or his designee.

(h) After January 1, 1992, each annual Board of Control resolution establishing special event rental rates and service cost recovery amounts shall only become effective sixty days after publication in the City Record. Notwithstanding any provision of the Codified Ordinances to the contrary, the councilmember of each ward may designate one special event per year to be exempt from either (a) the payment of any sums described herein; and the submission of an audited statement under division (g) of this section, or division (b) if the special event is located in the ward of the councilmember requesting exemption, has gross revenues of under twenty-five thousand dollars (\$25,000.00), and at least ninety percent (90%) of its gross special event revenues accrue to a community-based organization or to a charity qualifying under Section 501(c)(3) of the Internal Revenue Code, the payment of any sums described herein, the submission of an audited statement under division (g) of this section, and the payment of any permit fees to the City. The Director of Public Works shall submit a report on the City costs and charges for special events to the Clerk of Council at the end of each calendar year.

**Section 131.09 Exempted Special Events**

Division (g) of Section 131.08 or any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, a member of Council may request an exemption for a special event for an event located outside of the members' ward if there is not a location in the members' ward suitable for the special event. This exemption shall not be considered as the exemption designated under division (g) of Section 131.08 of the Codified Ordinances.

**Section 131.10 Reserved****Section 131.11 Reserved****Section 131.12 Reserved****Section 131.15 Concession Agreements for Rental of the Public Auditorium Building**

(a) The Manager of Special Events and Marketing ("Manager") shall have the sole authority to enter into contracts to rent all or any portion of the Public Auditorium Building or Cleveland Browns Stadium. Every contract for renting all or any portion of the Public Auditorium Building shall be reduced to writing and shall contain all the terms and conditions of the agreement including without limitation, the exact amount and location of space to be granted, the amount of the rental therefor, and a separate charge or rate for any labor, materials, or equipment which is to be supplied by the City to the grantee.

(b) Every grant or concession agreement for the use of the Public Auditorium Building shall be reduced to writing and shall be executed by the parties thereto at least thirty (30) days prior to the scheduled opening date of the event or show, except in emergencies; the Director of Public Works shall review and approve each concession agreement.

(c) No grant or concession agreement for the use of the Public Auditorium Building shall be modified or changed in any manner, after it is signed by the parties, except if such modification or change is in writing and signed by the parties and is in all respects clear, complete and in conformity with all existing laws of the City of Cleveland including the rules and regulations of the Manager and applicable resolutions of the Board of Control.

(d) Every such grant or concession agreement for the use of the Public Auditorium Building shall also be approved in writing by the Director of Law.

(e) All deposits required of any person to secure the use of the Public Auditorium Building shall be nonreturnable.

(f) Every person, firm, company or organization using or renting space at the Public Auditorium Building shall be required to pay for such use at the rates established by the Board of Control.

(g) The Manager may offer to grantees the acceptance of Mastercard and Visa and other credit cards for ticket purchases.

The Director of Finance may contract for credit card services with any financial institution designated as a depository for active funds of the City of Cleveland. The Director of Finance is authorized to pay all credit card fees and enter into a contract for credit card services and purchase or lease of equipment. The Manager shall charge any grantee requesting credit card services all costs of such services including but not limited to bank handling fees to recover for the City the costs of the contracts executed by the Director of Finance.

The Manager is authorized to impose on ticket purchases a \$1.50 service charge on all telephone and mail order charge purchases to cover Public Auditorium Building costs.

**Section 131.16 Rules and Regulations of the Manager of Special Events and Marketing**

(a) The Manager of Special Events and Marketing ("Manager") shall have the authority to make, amend, alter or rescind rules and regulations governing use of the facilities of the Public Auditorium Building and Cleveland Browns Stadium not in conflict with the ordinances or laws regulating such conduct. The Manager may require in any rental agreement that the event be required to pay for or provide security personnel within and without the rental premises.

(b) Such rules and regulations shall become effective ten days after publication in the City Record and upon the posting of such regulations in a sufficient number of locations to apprise the ordinarily observant person of the existence of such regulation. They shall remain in effect and be enforced as ordinances of the City unless rescinded by the Manager or by ordinance of Council.

(c) Violation of any rule or regulation of the Manager shall be a misdemeanor of the fourth degree.

**Section 131.17 Moneys From Operation of Public Auditorium Building and Cleveland Browns Stadium**

All money which may be advanced by parties holding concession agreements, contracts or leases in the nature of concessions, and all other miscellaneous deposits, made in connection with the operation of the Public Auditorium Building and Cleveland Browns Stadium, and all moneys received from tickets shall be collected by the Public Auditorium Building under the supervision of the Director of Finance. All such moneys shall be brought to the office of the City Treasurer in City Hall.

**Section 131.18 Accounting for Cleveland Browns Stadium**

Notwithstanding any Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, all revenues derived from Cleveland Browns Stadium received by the City of Cleveland shall be deposited into a separate fund created by the Department of Finance solely for the purpose of accounting for all expenses and revenues associated with Cleveland Browns Stadium and all expenses to be paid by the City of Cleveland for the operation or maintenance of Cleveland Browns Stadium shall be paid from that separate fund.

**Section 131.19 Withdrawal of Funds by Manager of Special Events and Marketing**

All money deposited in a special trust fund account shall be withdrawn only on a warrant prepared and executed by the Manager of Special Events and Marketing, and approved by Director of Public Works, under which warrant a check may be drawn on the depository in which the special trust fund account is placed, in the manner prescribed by ordinance for the withdrawal of city funds from City depositories.

**Section 131.20 Accrued Interest from Public Auditorium Building and Stadium Funds**

Interest accruing on all such deposits, if any, shall be paid to the City Treasurer by the depository in which the same may be deposited at the same rate and in accordance with the terms of the depository agreement.

**Section 131.21 Rental of Market Stalls**

(a) The Director of Public Works shall assess and collect rent for the use of space at the West Side Market using the following fee formula which shall be reviewed every six months by the Director and the United West Side Market Tenant's Association Budget Committee, with notice going to the Chairperson of the Public Parks, Recreation and Property Committee and the Councilmember representing the ward containing the West Side Market of the date, time, and location of each meeting:

(1) By November 1st of each year, the Director shall prepare and submit for review to the Budget Committee of the Tenant's Association, a schedule of expenses for the ensuing year (the "Director's Schedule"). The Director shall have the discretion to increase the total amount of expenses in the Director's Schedule (the "Schedule Amount") so that the Schedule Amount is not greater than the previous year's Schedule Amount plus ten percent (10%) plus a percentage equal to the percentage increase in wages negotiated by the City with its union employees.

In the event that the Schedule Amount exceeds the amount referred to in the preceding sentence, the excess amount may serve as the basis for the calculations set forth herein only with the prior approval of the Budget Committee, which approval shall not be unreasonably withheld. The decision of the Budget Committee as to any such excess amount shall be made within twenty-five (25) days after submittal of the Director's Schedule to the Budget Committee. If the Budget Committee has failed to act at the expiration of this twenty-five (25) day period, the Schedule Amount shall be deemed approved as submitted.

In the event that the Schedule Amount for the ensuing year is less than the previous year's Schedule Amount, the Schedule Amount which shall serve as the basis for calculation of Rent for the ensuing year shall be the Schedule Amount as submitted for review to the Budget Committee plus thirty percent (30%) of the difference between the previous year's Schedule Amount and the Schedule Amount submitted for review to the Budget Committee for the ensuing year.

(2) By December 1st of each year, the Director shall make available to Tenant the calculation of Rent for the ensuing year, based on the formula set forth herein.

(3) Tenant shall be assigned an occupancy factor which shall be determined by multiplying the total amount of occupied square footage, as evidenced the market Plan, times a location factor times a use factor.

A. The location factor shall be:

1. 1.8 for stands located in the Market House; or
2. 1.2 for stands located outside the Market House.

B. The use factor associated with the designated Use Category as defined in the Market Rates shall be:

1. 1.6 for "fast food" or "specialty" stands;
2. 1.0 for "traditional" stands;
3. 0.5 for "grocery" stands; or
4. 0.3 for "restaurant" stands.

(4) The occupancy factors for all stands upon the Market Grounds shall be added together. The result of that addition shall be "Total Occupancy Factor." The Total Occupancy Factor shall be multiplied by five percent (5%) to reflect average vacancy rates from year to year. This calculation shall result in the "Vacancy Factor."

(5) The aggregate of all revenue to be derived under the ensuing year from rental or Storage Lockers shall be deducted from the Schedule Amount. The result of this calculation shall be the "Adjusted Schedule Amount."

(6) The Adjusted Schedule Amount shall be multiplied by a fraction, the numerator of which is Tenant's occupancy factor and the denominator of which is the Total Occupancy factor minus the Vacancy Factor. This calculation shall result in the "Annual Rent," which shall then be divided by twelve (12) to determine the Rent due on the first (1st) day of each month.

(7) A fee for energy consumption for the outdoor heating system will be assessed to each Tenant of the Arcade. A fee for maintenance and repair services for the refrigerated display cases will be assessed to each Tenant of the Market House. Such payments are deemed part of the rental obligation.

(b) The Director may rent such spaces or parts or grant the right to use the same for a period not to exceed one year. He may make such provision for renewal or extension of the rental right or grant as he may deem advisable from time to time for additional periods not exceeding one year each, upon notification to Council, providing that the option or right of renewal shall be exercisable only by the Director and not by the grantee. The Director is authorized to provide in the renting or granting of rights to the use of such part or space that the rental right or grant shall not be transferred or assigned by the grantee thereof to any other person without the consent, in writing, of the Director. Such right or grant may be revoked by the Director upon conviction of the grantee of violation of law or ordinances relating to weights and measures. Provisions shall be made by the Director for the payment of such rental at such regular times and at such place as may be by him deemed most advisable.

#### **Section 131.22 Manager of West Side Market**

The Director of Public Works shall appoint a Manager of the West Side Market, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Public Works, who shall be responsible for the management and administration of the City's West Side Market.

#### **Section 131.23 Property Adoption and Licensing**

The Director may agree to allow, with the approval of the Board of Control, any business or other entity to maintain, improve, and adopt real estate belonging to the City and not in charge of another department; provided, however, that such real estate is no greater in area than 200 square feet and that the improvements are for solely for beautification of the real estate. Any business or entity adopting property shall be entitled to have such property designated in its name and the Director is authorized to evaluate and present awards to the best maintained property. The Director shall establish rules and regulations for property adoption. A copy of each proposed Property Adoption Agreement is to be provided to the Clerk of Council at least fourteen (14) days prior to approval by the Board of Control. Any such adoption shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of a privilege, revocable at will.

#### **Section 131.24 Deposits for Use of Property**

The issuance of a permit for the use of Municipal property under the supervision and control of the Department of Public Works or the use of such equipment or property, both real and personal, shall be secured by a deposit, in an amount equal to at least ten percent (10%) of the value of the equipment used and sufficient to guarantee performance or reimbursement for estimated costs of repair, replacement or return of secured property to its condition prior to use by the permittee, except where by reason of the nature of the project to be undertaken, the respective commissioner or manager of the division affected, with the approval of the Director of Public Works, has determined that it is impractical or unnecessary to require a deposit.

#### **Section 131.25 Reserved**

#### **Section 131.26 Reserved**

#### **Section 131.27 Reserved**

#### **Section 131.28 Reserved**

#### **Section 131.31 Golf Course Rates**

The Director of Public Works is authorized to collect following rates at municipal golf courses, provided, however, that the fees regarding banquet room rental at Highland Park may be amended from time to time by the Board of Control:

(a) *Regular rates.* To qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.

<u>(1)</u>	<u>For City residents:</u>	<u>Monday-Friday</u>	<u>Weekends</u>
	9 holes	\$11.50	\$12.00
	18 holes	\$22.00	\$23.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Monday-Friday</u>	<u>Weekends</u>
	9 holes	\$12.50	\$13.00
	18 holes	\$24.00	\$25.00

(b) *Senior rates:* (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification. To also qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency and age by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.

<u>(1)</u>	<u>For City residents:</u>	<u>Rate</u>
	9 holes	\$ 8.00
	18 holes	\$15.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Rate</u>
	9 holes	\$ 9.00
	18 holes	\$17.00

(c) *18-Hole Special Rate:* (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for the discounted green fee, a player would be required to rent a riding cart.

<u>(1)</u>	<u>For City residents:</u>	<u>Rate</u>
	Regular	\$18.00
	Senior	\$14.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Rate</u>
	Regular	\$20.00
	Senior	\$16.00

(d) *Junior rates:* (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for junior rates, a player must be eighteen (18) years old or younger and must provide positive photo identification. To also qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency and age by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.

<u>(1)</u>	<u>For City residents:</u>	<u>Rate</u>
	9 holes	Free
	18 holes	\$ 8.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Rate</u>
	9 holes	\$ 9.00
	18 holes	\$17.00

(e) *Winter rates:* To qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof. The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

<u>(1)</u>	<u>For City residents:</u>	<u>Rate</u>
	9 holes	\$10.00
	18 holes	\$19.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Rate</u>
	9 holes	\$11.00
	18 holes	\$21.00

(f) *Additional 9 holes.* Players under categories listed above who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(g) Tent Rental: \$230.00

(h) Banquet Room Rental at Highland Park.

(1) All rental rates for the banquet room shall be set by the Board of Control, which shall include rental schedules for City residents and non-City residents.

(2) Rental rates shall be based on a four (4) hour period, which will include at no charge up to one (1) hour before the event for set-up and up to one (1) hour after the event for clean-up. Any events, not including the above-referenced set-up and clean-up times, exceeding the four (4) hour period, shall be charged for each additional hour, or portion of an hour, used. Rental rates for the room, including additional charges for exceeding the four (4) hour period, shall be set by the Board of Control. The banquet room closes at 12:00 a.m. on Friday through Sunday and Holidays and at times determined by the Commissioner of Recreation on Monday through Thursday. All events shall end one-half hour before the facility closes. The City's Concessionaire shall be used exclusively to provide food and beverages for all catered events, unless the Director approves the use of an independent caterer. All beverages, including alcoholic beverages, shall be purchased from the City or the City's Concessionaire. Security is to be provided through the Village of Highland Hills Police Department and it is the responsibility of the group renting the banquet room to arrange and pay for such security, as billed by the Village of Highland Hills Police Department.

(3) Rental of the banquet room for golf outings. The golf outing must conclude one-half hour before the golf course closing time. Events exceeding the four (4) hour rental period described above, are subject to additional charges. If the event is to be catered by the City's Concessionaire, the rental fee for the room for a maximum period of four (4) hours, shall be included in the caterer's per-person meal cost.

(4) Golf leagues established for the season at Highland or Seneca golf courses may use the banquet room at no charge once per golf season. Events shall be held Monday through Friday and shall conclude by 5:00 p.m.

(i) Net proceeds from fees collected at the Highland and Seneca Golf Courses shall be expended for facility improvements at the golf courses.

**Section 131.32 Rental Fees for Camp George Forbes**

(a) The Commissioner of Recreation may allow private parties to rent Camp George Forbes provided that said parties secure a permit from the Director under Section 131.07 and pay the fees specified in division (b) of this section.

(b) The Director of Public Works shall assess and collect the following fees for the rental of Camp George Forbes:

	City Residents	Non-City Residents
(1) Great Room Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 250.00	\$ 275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 400.00	\$ 440.00
Saturday-Sunday: All Day	\$ 400.00	\$ 440.00
(2) Great Room and Class Room A Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 300.00	\$ 330.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 500.00	\$ 550.00
Saturday-Sunday: All Day	\$ 500.00	\$ 550.00
(3) Class Room A Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 250.00	\$ 275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 400.00	\$ 440.00
Saturday-Sunday: All Day	\$ 400.00	\$ 440.00
(4) Class Room B or C Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 250.00	\$ 275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 400.00	\$ 440.00
Saturday-Sunday: All Day	\$ 400.00	\$ 440.00
(5) Dining Hall Room Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 300.00	\$ 330.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 550.00	\$ 605.00
Saturday-Sunday: All Day	\$ 550.00	\$ 605.00
(6) Picnic Shelter Rental	\$ 220.00	\$ 265.00
(7) Cabin Rental:		
A. Friday 5:00 p.m. through Saturday 12:00 p.m.		
Minimum of six (6) cabins	\$ 730.00	\$ 805.00
Each additional cabin	\$ 100.00	\$ 100.00
Ten (10) cabin package	\$1,000.00	\$1,100.00
B. Saturday 12:00 p.m. through Sunday 12:00 p.m.		
Minimum of six (6) cabins	\$ 880.00	\$ 970.00
Each additional cabin	\$ 125.00	\$ 125.00
Ten (10) cabin package	\$1,100.00	\$1,210.00
C. Friday 5:00 p.m. through Sunday 12:00 p.m.		
Minimum of six (6) cabins	\$1,370.00	\$1,510.00
Each additional cabin	\$ 125.00	\$ 125.00
Ten (10) cabin package	\$1,700.00	\$1,870.00
D. Weekend package:		
includes ten (10) cabins and		
use of Dining Hall	\$2,000.00	\$2,200.00
(8) Swimming Pool Rental:		
A. Pool only	\$ 300.00	\$ 300.00
B. Pool with a room or cabin rental	\$ 150.00	\$ 150.00

(c) City of Cleveland certified lifeguards must be provided by the parties renting the pool with minimum of one lifeguard per 35 participants. Lifeguard rate is \$32.00 per guard.

(d) Rental of any part of the facility is based on a four-hour period including two hours prior to event for set up. There is a charge of \$50.00 per hour for each additional hour.

(e) In instances where private security services are required, it is the responsibility of the party renting the facility to provide such service. Security guards may be a member of a police department as defined in Revised Code Section

4117.01 (M) or be a person engaged for hire as a watchman, guard, private policeman or other person whose primary duty is to protect persons or property or both and is a class A or C licensee under Chapter 4749 of the Revised Code or a registered employee of the same and meets all requirements imposed by that Chapter, and also meets all requirements that may be imposed by Chapter 109 of the Revised Code and Chapter 709 of the Codified Ordinances of Highland Hills. It is the responsibility of the party renting the facility to ensure that such requirements are met.

**Section 131.33 Rental of Halloran Skating Rink**

(a) The Commissioner of Recreation may allow private parties to rent Halloran Skating Rink during any period when Division of Recreation programs are not scheduled or in progress provided that said parties secure a permit from the Director under Section 131.07 and pay the fees specified in division (b) of this section.

(b) The Director of Public Works shall assess and collect the following fees and charges for the rental of Halloran Skating Rink:

(1) Permit application, under Section 131.07	\$10.00
(2) Fee for rental of rink	N/A
(3) Personnel and operating expenses	\$88.00 per hour
(4) Utility charges	\$32.00 per hour

(c) The Director of Public Works shall deposit the fees and charges collected for the rental of Halloran Skating Rink into the fund or funds designated to pay the costs of the general operation of the skating rink, the equipment and maintenance costs associated with maintaining the skating rink, and for skating rink facility improvements and that these funds collected may be used for and are appropriated for these purposes.

(d) During any period when Division of Recreation programs are not scheduled or in progress, the Commissioner of Recreation shall allow branches, departments, offices, and groups of the City of Cleveland to use Halloran Skating Rink provided that such groups pay one-half of the permit application, personnel and operating expenses, and utility charge fees specified in division (b) of this section. The Director of Public Works shall not require more than five days prior notice to obtain the permit required by Section 131.07.

**Section 131.34 Rental Fees for Recreation Center Use**

(a) The Commissioner of Recreation may allow private parties to rent recreation center community or meeting rooms during regular operational hours provided that the parties pay the fees specified in division (c) of this section. The Commissioner of Recreation may allow the following private groups to rent at no cost recreation center community or meeting rooms during regular operational hours provided that the room will not be used to raise money for political campaigns or political issues:

(1) Branches, departments or offices of the City of Cleveland if the event furthers the functions or goals of that branch, department or office.

(2) Non-profit organizations and neighborhood organizations, such as block clubs, street clubs and ward clubs, located within the City of Cleveland if the purpose of the event is to address providing or supporting direct health and welfare services to individuals or to address safety, building or housing issues.

(3) Schools located within the City of Cleveland if the event furthers an educational or recreational purpose.

(b) The Commissioner of Recreation may allow private parties to rent recreation center community or meeting rooms before or after regular operational hours provided that the parties pay the fees specified in division (c) of this section.

(c) The Director of Public Works shall assess and collect the following fees for rental of recreation center community or meeting rooms:

(1) During regular operational hours in 2003, sixty-five dollars (\$65.00) per hour per staff person required.

(2) During regular operational hours in 2004, sixty-eight dollars (\$68.00) per hour per staff person required.

(3) Before or after regular operational hours in 2003, eighty dollars (\$80.00) per hour per staff person required.

(4) Before or after regular operational hours in 2004, eighty-four dollars (\$84.00) per hour per staff person required.

(d) The Commissioner of Recreation may allow private parties to rent portions of the recreation centers for recreation uses before or after regular operational hours provided that the parties pay the fees specified in division (f) of this section.

(e) The Commissioner of Recreation may allow the groups identified in division (a) (1), (a) (2), and (a) (3) of this section to rent portions of the recreation centers for recreation uses before or after regular operational hours provided that the parties pay one-half of the fees specified in division (f) of this section.

(f) The Director of Public Works shall assess and collect the following fees for rental of portions of the recreation centers for recreation uses:

(1) In 2003, eighty dollars (\$80.00) per hour per staff person required.

(2) In 2004, eighty-four dollars (\$84.00) per hour per staff person required.

(g) The Commissioner of Recreation may allow the Cuyahoga County Board of Elections to rent at no cost recreation center community or meeting rooms or any portions of the recreation centers before, during or after regular operational hours for voting purposes.

(h) Any party renting a portion of a recreation center under this section shall also secure a permit from the Director under Section 131.07 and shall pay any fee required for that permit.

**Section 131.35 Rental of Athletic Complexes**

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

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

(1) Athletic Complex rental \$2,000.00

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

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



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

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

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

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

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

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

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

**Section 131.36 Reserved**

**Section 131.37 Reserved**

**Section 131.38 Reserved**

**Section 131.41 Greenhouse, Rockefeller Park and Cultural Gardens; Fees**

(a) The Director of Public Works shall assess and collect fees for the use of the City Greenhouse, Rockefeller Park and Cultural Gardens under the following schedule for City Residents:

(1) Photo shoots (a maximum of 4 hours) \$ 75.00

(2) Wedding ceremonies and photo shoots (a maximum of 4 hours) \$150.00

(b) The Director of Public Works shall assess and collect fees for the use of the City Greenhouse, Rockefeller Park and Cultural Gardens under the following schedule for non-City Residents:

(1) Photo shoots (a maximum of 4 hours) \$100.00

(2) Wedding ceremonies and photo shoots (a maximum of 4 hours) \$175.00

**Section 131.42 Cemetery Rates**

The Commissioner of Park Maintenance and Properties shall collect the following charges for services, space and supplies at City-owned cemeteries:

		<u>CEMETERY RATES:</u>	
		<u>Mon.-Fri.</u>	<u>Sat.</u>
(a)	Single grave section		
(1)	Adult grave	\$371.00	\$371.00
	Interment	337.00	506.00
	Total	708.00	877.00
(2)	Baby grave (container of 4 feet or less)	108.00	108.00
	Interment	94.00	141.00
	Total	202.00	249.00
(b)	Lot sections		
(1)	Flush marker sections		
	One grave	\$ 594.00	
	Family Lot (Two Graves)	1,188.00	
	Interment		506.00
			759.00
(2)	Raised marker section		
	One Grave	714.00	
	Family Lot (Two Graves)	1,428.00	
	Interment		506.00
			759.00
(3)	Interment in lot sections		
A.	Adult grave		506.00
B.	Adult grave — extra deep (depth of 8 feet)		621.00
C.	Interment on top of extra deep		506.00
D.	Baby grave or still born on top		94.00
E.	Cremated remains in urn		216.00
F.	Cremated remains in vault		270.00
G.	Placement of additional remains in casket at time of burial (recording fee)		94.00
			94.00

(c)	Urn garden section			
(1)	Single plot grave	243.00		
(2)	Interment (includes marker setting and vault) Saturday burials 1 1/2 times the interment charge		297.00	452.00
(d)	Veteran Section Interment		337.00	506.00
(e)	Memorial parks:			
(1)	Adult (Infirmarium burial — City or County)		371.00	N/A
(2)	Baby		94.00	N/A
(f)	Additional services available:			
(1)	Disinterments (Monday-Friday only)			
	A. Adult grave	1,046.00		
	B. Adult grave—extra deep	1,114.00		
	C. Baby grave	297.00		
	D. Cremated remains in urn garden	358.00		
	E. Cremated remains—location other than urn garden	229.00		
(2)	Setting and foundation charges			
	A. Markers			
	1. 18" x 10" (Baby)	102.00		
	2. 2' x 1'	168.00		
	3. 3' x 1' or 4' x 1'	263.00		
	4. Resetting: one-half (1/2) of price listed above for replacement of same size markers			
	B. Monument foundation (per cubic foot)	26.00		
	C. Veteran stones (flat granite)	168.00		
	D. Flower container (installation)	21.00		
(3)	Miscellaneous services			
	A. Opening and closing grave for inspection			
	1. Identify without disturbing remains	911.00		
	2. Remove for autopsy; replace in open grave	992.00		
	B. Private mausoleums: receipt and discharge	432.00		
	C. Highland Chapel Park Mausoleum			
	1. Crypts: seal or unsealed	358.00		
	2. Niches: seal or unsealed	229.00		
	D. Use of chapel for services			
	1. First hour	75.00		
	2. Each hour thereafter or fraction thereof	65.00		
	E. Saturday burials: one and one-half (1 1/2) times the interment charge in divisions (b) through (e) of this section			
(g)	Effective January 1, 2004, all rates listed in divisions (a) through (f) of this section shall be increased by four percent (4%) and shall be rounded to the nearest whole dollar on the effective date of an amendment to this section, if this section is amended before January 1, 2005.			
(h)	Effective January 1, 2005, all rates listed in divisions (a) through (f) of this section shall be increased an additional four percent (4%) over the four percent increase authorized in 2004, which 2004 increase shall be rounded to the nearest whole dollar, and the calculated amount resulting from the increase shall be rounded to the nearest whole dollar.			
(i)	Charges for damages: Anyone who causes damage to the cemetery ground, including without limitation, fences, hydrants, or headstones, and who does not restore the damaged portion to its previous condition shall be liable to the City for the City's cost of restoration.			
(j)	Highland Park Chapel Mausoleum:			
	Charges for resale of niches and crypts that have been repurchased by the City of Cleveland			
	1. Niches in Highland Park Mausoleum	\$1,215.00		
	2. Crypts in Highland Park Mausoleum Tier Level	\$3,375.00		
(k)	Service Charges			
	1. Bad Check Charge	\$ 25.00		
	2. Late Payment			
	A. Charges not received by time of interment including checks that cannot be processed because of errors	\$ 33.00		

B. Setting charges not received up to the time stone is delivered including checks that cannot be processed because of errors	\$ 33.00
C. Additional charge per day	\$ 7.00

**Section 131.43 Reserved****Section 131.44 Reserved****Section 131.45 Reserved****Section 131.48 Street Cleaning**

The Director of Public Works shall initiate a program to provide for the cleaning of streets in the City once each thirty days between March 1 and October 31 of each year. In cooperation with the Director of Public Safety, the Director of Public Works, notwithstanding any other provision in these Codified Ordinances, shall cause to be erected temporary signs notifying the operators of vehicles twelve hours in advance that parking on the streets upon which the same are erected shall be prohibited during the necessary time required for the cleaning of such streets.

**Section 131.49 Reserved****Section 131.50 Reserved****Section 131.51 Reserved****Section 131.54 Reserved****Section 131.55 Reserved****Section 131.56 Reserved****Section 131.59 Reserved****Section 131.60 Reserved****Section 131.61 Reserved****Section 131.64 Shop Supplies and Equipment, Vehicle Maintenance Materials, Equipment, Services, and Supplies**

(a) The Director of Public Works is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for vehicle maintenance materials, equipment, services, and supplies that the Director of Public Works considers necessary to the operation of the Division of Motor Vehicle Maintenance, including but not limited to: shop supplies and shop equipment, vehicle parts and equipment, lubricants, fluids, tires, tubes, tire recapping, vehicle and equipment batteries, remanufactured power trains or sections, generators, generator parts, and labor, materials, and installation, if necessary, to repair or maintain existing equipment. Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose.

(b) 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 131.65 Fuel, Fuel Dispensing Equipment, and Storage Tank Removal**

(a) The Director of Public Works is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for fuel and fuel dispensing and storage equipment that the Director of Public Works considers necessary to the operation of the Division of Motor Vehicle Maintenance, including but not limited to: fuel, fuel dispensing equipment, fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressors, and for emergency clean-up and replacement of leaking underground and above-ground storage tanks and systems, and labor, materials, and installation, if necessary, to repair or maintain existing equipment. Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose.

(b) 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 131.66 Software and Hardware, including Upgrades, Technical Support, and Maintenance, and Repair Agreements for the Fleet Management Information System and the Automated Fuel Dispensing System**

(a) The Director of Public Works is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for software, hardware, upgrades, technical support, maintenance, and repair for the Fleet Management Information System and the Automated Fuel Dispensing System that the Director of Public Works considers necessary to the operation of the Division of Motor Vehicle Maintenance.

(b) The Director of Public Works is authorized to acquire by contract or contracts with one or more software developers or vendors or one or more firms of software developers or vendors, the software licenses, upgrades, technical support, and maintenance necessary for the Fleet Management Information System and the Automated Fuel Dispensing System.

The selection of the computer software developers or vendors shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified persons or firms available for employment as may be determined after a full and complete canvass by the Director of Public Works for the purpose of compiling a list. The compensation to be paid for the licenses shall be fixed by the Board of Control. Each contract shall be prepared by the Director of Law, certified by the Director of Finance, approved by the Director of Public Works.

(c) The Director of Public Works is authorized to execute, in connection with a purchase of computer hardware under this section, one or more license agreements for software required for use of that hardware, directly with a firm or firms other than the hardware vendor.

(d) Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose.

(e) 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 131.67 Reserved**

**Section 131.68 Reserved**

**Section 131.69 Reserved**

**Section 131.72 Reserved**

**Section 131.73 Reserved**

**Section 131.74 Reserved**

**Section 131.77 Municipal Lakefront Lot: Special Event Rate**

On the event that a special event is held within the Central Business District, as that term is defined in Section 325.12 of these Codified Ordinances, and the sponsors of said event have made arrangements with the Regional Transit Authority ("RTA") or its successors wherein RTA will provide transit service free of charge from the Municipal Lakefront Lot to the vicinity of said event, the Commissioner of Parking Facilities is authorized to charge one dollar (\$1.00) per day at the Municipal Lakefront Lot throughout the duration of said event.

**Section 131.78 Parking Fees**

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges, which include tax, at the following parking facilities under the following schedule:

- |   |                |
|---|----------------|
| (1) <i>Willard Park Garage:</i>   |                |
| A. First hour or portion thereof  | \$2.25         |
| B. Each additional half hour or portion   | \$1.25         |
| C. Daily maximum rate from 6 a.m. to 11:00 p.m.   | up to \$10.00  |
| D. Additional overnight charge from 11:00 p.m. to 6 a.m.  | up to \$10.00  |
| E. General monthly rate   | up to \$125.00 |
| F.1. Special monthly rate for City employees  | \$55.00        |
| F.2. Special monthly rate for federal, state and county employees                                     | \$110.00       |
| G. Special events (flat rate—pay enter)   | up to \$20.00  |
| H. Charge for lost or stolen key card   | \$50.00        |
| I. Late payment charge  | \$5.00         |
| J. Early Bird Rate (time to be determined by the Director of Public Works)                            | up to \$8.00   |
| (2) <i>Canal Basin Lot:</i>   |                |
| A. Daily rate from 6 a.m. to 6:00 p.m. (flat rate—pay enter)  | up to \$2.00   |
| B. General monthly rate (weekdays between 6 a.m. and 6 p.m.)  | up to \$40.00  |
| C. Special events, weekdays between 6:00 p.m. and 6 a.m., weekends and holidays (flat rate—pay enter) | up to \$10.00  |
| D. Late payment charge  | \$5.00         |
| E. Charge for lost or stolen key card   | \$50.00        |
| (4) <i>North Coast Municipal Parking Lot:</i>   |                |
| A. Daily rate (flat rate—pay enter)   | up to \$3.50   |
| B. City of Cleveland employees  | no charge      |
| C. General monthly rate—non-City of Cleveland employees   | up to \$45.00  |
| D. Special events (flat rate—pay enter)   | up to \$20.00  |
| E. Charge for lost or stolen key card   | \$50.00        |
| F. Late payment fee   | \$5.00         |

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Public Works up to the maximum specified.

(c) Monthly rate customer parking privileges at Willard Park Garage, Canal Basin Lot, and North Coast Municipal Parking Lot do not include entry to these garages and lots for special events held on weekends, holidays or after 6 p.m. on weekdays.

(d) Fees collected from the Willard Park Garage, Canal Basin Lot, and North Coast Municipal Parking Lot shall be credited to the Division of Parking Facilities Enterprise Fund for general operations.

(e) The Commissioner of Parking Facilities shall fix and collect the fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner's control until the Council and the Board of Control fix fee schedules for the parking facilities.

(f) Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall:

(1) Designate ten (10) parking spaces in Willard Garage located as close as practical to the entrance to City Hall to be assigned by the Director of Public Works to City employees with the greatest number of years seniority as a City employee;

(2) Designate a sufficient number of parking spaces located either in the North Mall Lot or in Willard Garage for City employees who are employed to clean City Hall and who begin work at 3:00 p.m. or later and work later than the closing of Willard Garage.

(g) In addition to the schedule contained in division (a) of this section, the Commissioner of Parking Facilities may enter into agreements with the sponsors of events that wish to reserve specific parking spaces in the Willard Park Garage, or the North Coast Municipal Parking Lot that provide for the payment by the sponsor of up to thirty dollars (\$30.00) per parking space.

**Section 131.79 Parking Fees for Community Development and Public Works Surface Lots**

The Commissioner of Parking Facilities shall collect fees and charges at surface parking lots under the control of the Department of Community Development and Public Works under the following schedule:

- (a) Daily rate (flat rate-pay enter) up to \$10.00;
- (b) Special rate (flat rate-pay enter) up to \$15.00;
- (c) Monthly rate (flat rate-pay enter) up to \$140.00 per month.

**Section 131.80 Reserved**

**Section 131.81 Reserved**

**Section 131.82 Reserved**

**Section 131.83 Licensing Advertising Space on Public Recreational Property**

Upon the approval of the Board of Control, the Director of Public Works may license space on recreational or real or personal property under the control of said Director to businesses for advertising purposes for fees determined by the Board of Control. Any such license shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of a privilege, revocable at will.

**Section 131.84 Acceptance of Gifts**

The Director of Public Works is authorized to accept gifts of money, material, or services, provided that the value of no gift shall exceed ten thousand dollars (\$10,000) to the various divisions of the department. The Director shall report the acceptance of each gift to the Clerk of the City Council.

**Section 131.85 Agreements for the Loan of Statues, Busts, or other Personal Property for Public Display**

(a) The Director of Public Works may enter into one or more agreements to loan statues, busts or other personal property under the control of the Department of Public Works to a person or entity for public display for a period not to exceed five years, with one option to renew for an additional five year term, exercisable by the Director of Public Works.

(b) The agreements shall, among other things, itemize the personal property, specify all conditions of the display, require restoration of any damaged City property, require insurance coverage acceptable to the Director of Public Works and the Director of Law, and contain additional terms and conditions as required to protect the interests of the City.

**Section 131.86 Tree Commission Grants and Contributions**

The Director of Public Works is authorized to apply for and accept from various entities, both public and private, such grants and contributions as the Tree Commission solicits under division (e) of Section 163.03; provided that such contributions may be in the form of money, material or services. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under any grant or contribution, and upon acceptance of any grant or contribution by the Director, the funds shall be appropriated in the case of grants, for the purposes set forth in the grant agreement, and in the case of contributions, for the purposes designated by the donors. The Director shall report the acceptance of any grant or contribution to the Clerk of Council. Funds accepted under this section shall be deposited to Fund No. 20 SF 038 and used solely for the purpose of furthering the case, preservation and enhancement of the urban forest and education of the public with respect thereto.

**Section 131.87 Reserved**

**Section 131.88 Director to Hire Truck Owner Drivers**

It is determined that it is not feasible to procure the proper type of truck and driver by the ordinary processes of competitive bidding because of the qualifications of the drivers and the variance in types of trucks available, and it is in the public interest to secure owner drivers because of the advantage to the City from such operation. Therefore, the Director of Public Works is authorized to employ owner drivers with trucks as he or she deems necessary, at not to exceed the following rates for the services of the owner driver and the truck:

Truck Capacity	Rate per hour
Two tons or less	\$20.00
Two and one-half tons or more	23.00

**Section 457.071 Downtown Parking Lot Landscaping Encroachment Permits**

The Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, and assignable by the permittee with consent of the Director of Capital Projects, to an operator of a parking lot within any of the following-listed downtown block faces, to construct, maintain, and use fencing and landscaping providing the visual screen and vehicular barrier required by Section 457.07 of the Codified Ordinances, which will encroach into the public right-of-way:

Side of Street	Street Name	Street Segment
West	West 9th	Main Avenue to St. Clair
East	West 9th	Lakeside to St. Clair
West	West 6th	Lakeside to Superior
East	West 6th	Lakeside to Superior
West	West 3rd	Lakeside to Superior
East	West 3rd	Lakeside to Superior
East	East 6th	St. Clair to Superior
West	East 12th	St. Clair to Rockwell
East	East 12th	Lakeside to Rockwell
North	St. Clair	West 9th to West Mall Dr
South	St. Clair	West 9th to Ontario
South	St. Clair	East 6th to East 9th
North	St. Clair	East 13th to East 18th
South	St. Clair	East 13th to East 18th
North	Superior	East 13th to East 18th
South	Superior	East 13th to East 18th
South	Huron	East 6th (alley) to East 9th

(a) Any fencing or landscaping placed within the public right-of-way as aforesaid, shall be constructed under plans and specifications approved by both the Manager of Engineering and Construction and the City Planning Commission, each to the extent of its respective jurisdiction under other sections of the Codified Ordinances.

(b) Each permit authorized by this section shall be prepared by the Director of Law, shall require the permittee to pay any taxes, assessments or other costs resulting from the construction, maintenance, and use authorized by the permit, and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any loss, including taxes, assessments, and other costs, resulting from the encroachment permitted.

(c) A permit authorized by this section shall be issued only in accordance with the provisions of division (c) of Section 457.07 regarding actions necessary to avoid a loss of existing parking spaces.

**Section 5.** That concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately on the adoption of the concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

**Section 6.** The Director of Public Works is authorized to enter into contracts or perform any acts under an ordinance passed by this council that gives such authority to the Director of Public Service or the Director of Parks, Recreation and Properties.

**Section 7.** That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the Department of Public Service or the Department of Parks, Recreation and Properties shall be amended to read "Department of Public Works" and that any references to the Cleveland Convention Center or Convention Center shall be amended to read "Public Auditorium Building" consistent with this ordinance.

**Section 8.** That the Clerk of Council is authorized when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references to the Department of Public Service or the Department of Parks, Recreation and Properties to read "Department of Public Works" and any references to the Cleveland Convention Center or Convention Center shall be amended to read "Public Auditorium Building" consistent with this ordinance.

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

**Ord. No. 1331-10.**

**By Mayor Jackson.**

**An emergency ordinance to amend Sections, 2, 5, and 40 of Ordinance No. 947-08, passed June 9, 2008, as amended, relating to compensation for various classifications.**

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

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

**Section 1.** That Sections 2 and 5 of Ordinance No. 947-08, passed June 9, 2008, and Section 40 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1156-09, passed August 5, 2009, are amended to read as follows:

Section 2. Secretary to the Mayor, Directors of Departments, Planning Director, Executive Director Community Relations Board, Executive Assistants to the Mayor.

(a) That the salary of the Secretary to the Mayor shall be fixed by the Mayor at not less than \$50,795.78 and not more than \$178,000.00 per annum.

(b) That the salary of the Directors of Law, Finance, Public Utilities, Economic Development, Public Safety, Public Works, Public Health, Personnel and Human Resources, Community Development, Building and Housing, Aging, the Planning Director, the Executive Director of the Community Relations Board, and Executive Assistants to the Mayor shall be fixed by the Mayor at not less than \$50,795.81 and not more than \$171,581.77 per annum.

(c) That the salary of the Director of Port Control shall be fixed by the Mayor at not less than \$100,000.00 and not more than \$222,895.30 per annum.

**Section 5. Special Assistants to the Mayor, Secretaries to Directors of Departments, Secretary of the Civil Service Commission, Secretary to Director of Department of Port Control, and Assistant Directors**

**That the salary of the Special Assistants to the Mayor, Secretaries to Directors of Departments, Secretary of the Civil Service Commission, Secretary to Director of Department of Port Control, and Assistant Directors shall be fixed by the Mayor under the following schedule:**

	<b>Minimum</b>	<b>Maximum</b>
1. Special Assistant to the Mayor.....	\$20,800.00	\$ 96,444.42
2. Secretary to Directors of Departments .....	\$36,590.39	\$138,195.09
3. Secretary of the Civil Service Commission .....	\$25,011.85	\$ 96,445.08
4. Secretary to Director of Department of Port Control .....	\$41,312.22	\$143,360.63
5. Assistant Directors.....	\$36,590.39	\$138,195.09

Section 40. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

1. City Comptroller.....	\$42,758.15	\$133,845.38
2. City Treasurer.....	\$42,758.15	\$123,548.92
3. Chief Technology Officer.....	\$45,000.00	\$150,454.32
4. Commissioner of Accounts .....	\$40,314.82	\$128,214.57
5. Commissioner of Administrative Services - Community Development.....	\$40,314.82	\$128,214.57
6. Commissioner of Air Quality.....	\$42,758.15	\$133,845.38
7. Commissioner of Assessments and Licenses.....	\$40,314.82	\$118,350.91
8. Commissioner of Burke Airport.....	\$40,314.92	\$118,350.91
9. Commissioner of Cleveland Hopkins International Airport.....	\$42,758.15	\$143,360.63
10. Commissioner of Cleveland Public Power.....	\$45,201.46	\$167,171.47
11. Commissioner of Code Enforcement.....	\$42,758.15	\$133,845.38
12. Commissioner of Construction Permitting .....	\$42,758.15	\$133,845.38
13. Commissioner of Emergency Medical Services.....	\$42,758.15	\$133,845.38
14. Commissioner of Environment.....	\$42,758.15	\$133,845.38
15. Commissioner of Health.....	\$45,021.46	\$142,289.43
16. Commissioner of House of Corrections.....	\$40,314.82	\$118,231.89
17. Commissioner of Information Technology & Services..	\$52,734.82	\$142,289.43
<b>17a. Commissioner of Motor Vehicle Maintenance.....</b>	<b>\$40,314.82</b>	<b>\$128,214.57</b>
18. Commissioner of Neighborhood Development .....	\$40,314.82	\$118,350.91
<b>18a. Commissioner of Real Estate .....</b>	<b>\$40,314.82</b>	<b>\$118,350.91</b>
19. Commissioner of Neighborhood Services .....	\$42,758.15	\$123,548.92
20. Commissioner of Park Maintenance and Properties....	\$42,758.15	\$143,360.63
21. Commissioner of Parking Facilities.....	\$40,314.82	\$128,214.57
22. Commissioner of Printing and Reproduction.....	\$40,314.82	\$128,214.57
23. Commissioner of Property Management.....	\$45,201.46	\$142,289.43
24. Commissioner of Purchases and Supplies.....	\$42,758.15	\$123,548.92
25. Commissioner of Recreation.....	\$42,758.15	\$143,360.63
26. Commissioner of Streets.....	\$40,314.82	\$128,214.57
27. Commissioner of Traffic Engineering.....	\$42,758.15	\$123,548.92
28. Commissioner of Utilities Engineering.....	\$42,758.15	\$118,350.91
29. Commissioner of Utilities Fiscal Control.....	\$40,314.82	\$118,350.91
30. Commissioner of Waste Collection and Disposal.....	\$40,314.82	\$128,214.57
31. Commissioner of Water.....	\$45,201.46	\$167,171.47
32. Commissioner of Water Pollution Control.....	\$40,314.82	\$128,214.57
33. Deputy Director Department of Building and Housing	\$36,590.39	\$133,845.38
34. Director of Workforce Development .....	\$70,000.00	\$160,000.00
35. Income Tax Administrator.....	\$42,758.15	\$133,845.38
36. Manager of Administration - Public Works.....	\$40,314.82	\$118,350.91
37. Manager of Internal Audit .....	\$40,314.82	\$118,350.91

**Section 2.** That existing Sections 2 and 5 of Ordinance No. 947-08, passed June 9, 2008, and existing Section 40 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1156-09, passed August 5, 2009, 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.

**BOARD OF CONTROL**

November 24, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 24, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson, Acting Director Dangerfield, Directors Carroll and Nichols.

Others: James Hardy, Commissioner, Purchases and Supplies.

M. Curry, Office of Equal Opportunity.

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

**Resolution No. 487-10.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of BSL - Applied Laser Technologies LLC dba Applied Laser Technologies, for an estimated quantity of toner ink supplies and recycling of empty toner cartridges, all items, for various divisions of City government, for a period of two years beginning with the date of execution of the contract with two one year options to renew, received on October 8, 2010, under the authority of Ordinance 867-10 passed by Cleveland City Council on August 18, 2010, which on the basis of the estimated quantity would amount to \$91,598.54, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$4,579.93.

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

Yeas: Directors Triozzi, Dumas, Withers, Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director Dangerfield, Directors Carroll and Nichols.

**Resolution No. 488-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Wm. Plotz Machine & Forge Co., Inc. for an estimated quantity of materials to maintain and repair water pumps, including electric motors, controls and appurtenances, Option 2, items 11-16, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on September 17, 2010 under the authority of Ordinance No. 587-09, passed June 1, 2009, which on the basis of the

estimated quantity would amount to \$268,800.00 (2%, Net 20 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$13,440.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 489-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Kennedy Valve, Division of McWane, Inc. for an estimated quantity of fire hydrants and fire hydrant parts, items 1-12, 28, 30 and 31, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on June 11, 2010 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$973,725.00 (2% 30 Days, Net 31 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$49,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 490-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Clow Valve Company, A Division of McWane Inc. for an estimated quantity of fire hydrants and fire hydrant parts, items 13-24 and 27, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on June 11, 2010 under the authori-

ty of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$3,448,875.00 (2% 30 Days, Net 31 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$175,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 491-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of HD Supply Waterworks, Ltd. for an estimated quantity of fire hydrants and fire hydrant parts, items 25 and 29, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on June 11, 2010 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$185,000.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$9,500.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 492-10.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on June 11, 2010 for an estimated quantity of fire hydrants and fire hydrant parts, items 32-35, for the Division of Water, Department of Public Utilities, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Danger-



field, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 493-10.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Ferguson Enterprises, Inc. dba Ferguson Waterworks for an estimated quantity of fire hydrants and fire hydrant parts, item 26, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on June 11, 2010 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$90,000.00 (0% Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$4,500.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 494-10.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that the percentages attributed to the subcontractors approved in Board of Control Resolution No. 455-10, adopted by this Board on November 3, 2010, are amended as follows:

<u>Subcontractor</u>	<u>DBE Percentage</u>	<u>Amount</u>
North Electric, Inc.	2.52% DBE	\$480,000.00
Rockport Construction & Materials, Inc.	0.36% DBE	\$ 70,000.00

Be it further resolved that all other terms of Resolution No. 455-10 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 495-10.**

By Director Smith.  
Whereas, Aable Rents d/b/a Merry Christmas Trees ("Concessionaire") wishes to utilize the overflow parking lot at Burke Lakefront

Airport ("Overflow Lot") for the sale of Christmas trees between November 26, 2010 and December 24, 2010; and

Whereas, the City is willing to grant Concessionaire the privilege, permit and license to utilize the Overflow Lot for the sale of Christmas trees; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement ("Agreement") granting Concessionaire the privilege, permit and license to utilize the Overflow Lot for the sale of Christmas trees between November 26, 2010 and December 24, 2010. Concessionaire shall pay the City \$2.50 for each Christmas tree sold and shall be responsible for any applicable sales tax due any taxing authorities in connection with its Christmas tree operation.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions, as the Director deems necessary to benefit and protect the public interest.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 496-10.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that, under the authority, of Ordinance No. 899-05, passed by the Council of the City of Cleveland on May 23, 2005, the firm of Solar Testing Laboratories, Inc. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to provide quality assurance and surveying services for projects not related to airport expansion, for a period of two years, on an as-needed basis, for the various divisions of the Department of Port Control, for a period of two years.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Solar Testing Laboratories, Inc. for the above-mentioned services, based upon its proposal dated September 24, 2010, which contract shall be prepared by the Director of Law, shall provide that the compensation to Solar Testing Laboratories, Inc. for the services authorized shall not exceed \$158,500.00 and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subcontractors by Solar Testing Laboratories, Inc. is approved:

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
G & T Associates, Inc.	11.0% CSB/MBE	\$17,435.00
Michael Benza & Associates, Inc.	6.0% CSB	\$ 9,510.00
Office Pro, Inc.	3.0% CSB/FBE	\$ 4,755.00

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 497-10.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of The Great Lakes Construction Company, for the public improvement of installing snow melting units and associated facilities at Cleveland Hopkins International Airport, base bid items plus 10% contingency and Items A-2 and A-3, for the Department of Port Control, received on September 8, 2010 under the authority of Ordinance No. 1771-08, as amended by Ordinance Nos. 479-09 and 911-09, passed by the Council of the City of Cleveland on December 8, 2008, May 4, 2009 and July 1, 2009, respectively, for a gross price for the improvement, in the aggregate amount of \$3,940,200.00, is affirmed and approved as the lowest responsible bid; and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subcontractors by The Great Lakes Construction Company, is approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE%</u>	<u>Amount</u>
Granger Trucking, Inc.	2.57% DBE	\$101,500.00
Rockport Construction & Materials, Inc.	1.64% DBE	\$ 65,000.00
Ballast Construction, Inc. d/b/a Ballast Fence	0.12% DBE	\$ 4,800.00
Cuyahoga Supply & Tool, Inc.	0.52% DBE	\$ 20,500.00
Cook Paving & Construction Co., Inc.	0.39% DBE	\$ 15,500.00
Mohawk Rebar Services, Inc.	1.03% Non-DBE	\$ 40,600.00

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 498-10.**

By Director Wasik.

Whereas, under the authority of Ordinance No. 1510-86, passed by the Cleveland City Council October 15, 1986, Resolution No. 1164-92, adopted by the Board of Control December 15, 1992, the City, through its Director of Public Service, entered into Contract No. 45860 with URS Corporation-OHIO ("Engineer"), formerly known as URS Consultants, Inc., for professional engineering consulting services necessary for the rehabilitation and/or reconstruction of the West 44th Bridge, Bridge No. 1:053M and the Harvard Avenue Bridge, Bridge No. 1:022C, and under Ordinance No. 1510-86, passed October 6, 1986, proposes to enter into an amendment to Contract No. 45860 for final engineering services for the Harvard Avenue Bridge project; and

Whereas, the City desires the detailed plans and specifications and construction services necessary for the public improvement of the Harvard Avenue Bridge; and

Whereas, Engineer has proposed, in its submittal dated November 5, 2010, to perform the engineering services necessary to prepare detailed plans and specifications and to render engineering services during construction; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director is authorized to enter into a first amendment to Contract No. 45860 with URS Corporation-OHIO, formerly known as URS Consultants, Inc., based upon its November 5, 2010 proposal, for an additional fee of \$354,619, thereby increasing the total contract amount to \$763,272.00.

Be it further resolved by the Board of Control of the City of Cleveland that Engineer's employment of the following sub-consultants for services under the amendment authorized above is approved:

G & T Associates, Inc.  
CSB/MBE — 12.013% — \$42,600.00

Resource International, Inc.  
FBE — 5.732% — \$20,326.00  
Charles P. Braman & Co., Inc.  
CSB/FBE — 1.269% — \$4,500.00

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 499-10.**

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Anegada, L.L.C. dba AAMCO Transmissions of Bedford for an estimated quantity of various remanufactured transmissions and repairs, all items, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on September 9, 2010, under the authority of Section 131.17 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$168,950.00 (2% Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to

the contract in the amount of no less than \$35,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

**Resolution No. 500-10.**

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of VanCuren Services, Inc. for an estimated quantity of Urban Forestry Property Maintenance Services (all items) for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for one year beginning with the date of execution of a contract, received on September 29, 2010, under the authority of Section 181.101, Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$75,178, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into requirement contract for the services, which shall provide for the immediate purchase as the initial order, the cost of which shall be certified to the contract in the sum of not less than \$5,000.

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

Be it further resolved that the employment of the following sub-contractors for the above mentioned service is approved:

<u>NAME</u>	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE</u>
Integrated Business Supplies, FBE	\$5,000	6.651%
Samsel Supply, FBE	\$3,200	4.257%

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Acting Director West, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES****General Information**

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

Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS****MONDAY, DECEMBER 13, 2010****9:30 A.M.**

**Calendar No. 10-211:** 16569 St. Clair Avenue (Ward 11)

Calabrese Cement & Masonry, owner, and Utilities Construction appeal to establish a composting use on acreage located in a General Industry and Semi-Industry Districts, subject to the limitations of Sections 345.03 and 345.04(c)(2)G, composting (fertilizer manufacturing from phosphates or organic matter) is not permitted in a Semi-Industry nor General Industry District and is first permitted in an Unrestricted Industry District pursuant to Section 345.05; and according to Section 327.02(b) a separate permit is required for signage and fence per a Notice of Violation dated March 3, 2010.

**Calendar No. 10-240:** 2351 East 22nd Street (Ward 5)

St. Vincent Charity Medical Center, owner, appeals to erect a 52' x 94' temporary banner on an existing wall of a building located in a Residence Office District; contrary to Section 350.13(a) the square footage requested equals 3,948 square feet and the maximum allowed for the banner signage is 16 square feet and a height of 10 feet.

**Calendar No. 10-241:** 10704 Wade Park Avenue (Ward 8)

Snaju Shahiahan, owner, appeals to change use of a three-story single dwelling unit to an extended stay facility located on a 55' x 209.87' lot in an AA1 Limited One Family District; subject to the limitations of Section 337.01, an extended stay facility, rooming house, is not a listed use and an extended stay facility or similar home is first regulated in a Multi-Family District in accordance with Section 337.08(c) of the Cleveland Codified Ordinances.

**Calendar No. 10-243:** 3403 Colburn Avenue (Ward 13)

Tim Grinnell, owner, appeals to erect a 7' x 24' wooden open front porch to a two family dwelling on

a 40' x 110' lot in a Two-Family District; contrary to the yard space requirements, an estimated 8 feet is provided where not less than 10 feet is required from a main building on an adjoining lot and a 7 foot projection is provided where not more than 6 feet is allowed according to Sections 357.09(b)(2)A and 357.13(b)(4) of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, NOVEMBER 22, 2010**

At the meeting of the Board of Zoning Appeals on Monday, November 29, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 10-215:** 13724 Puritas Avenue

Charles Jackson appealed to add a building addition to a nonconforming motor vehicle service garage in a General Retail Business District.

**Calendar No. 10-216:** 1900 West 75th Street

Gary Fadel appealed to erect a wooden open front porch to a one family dwelling in a Two-Family District.

**Calendar No. 10-217:** 8415 Broadway Avenue

Community Assessment and Treatment Services appealed to expand the occupancy of an existing Correctional Halfway House by adding 10 residents in an existing building located in General Retail Business and Semi-Industry Districts.

**Calendar No. 10-226:** 2832 East 117th Street

Paul Libis, owner, and Romena Foster, tenant, appealed to erect a wheelchair ramp at the front of a two family dwelling in a Two-Family District.

**Calendar No. 10-107:** 3121 West 33rd Street

The San Lorenzo Club appealed to change the basement and ground floor of a legal nonconforming private club to a use for a rental hall in a Two-Family District; subject to condition.

The following appeals were **Denied:**

**Calendar No. 10-185:** 3610 Superior Avenue

3620 Superior Ave LLC appealed to change a nonconforming bar/restaurant to a nightclub with entertainment and to modify a previous variance by extending hours of the establishment in a Semi-Industry District.

**Calendar No. 10-218:** 14117 Christine Avenue

Michelle Rose appealed to install a fence with the unfinished side facing adjoining properties in a One Family District.

The following appeals were **Withdrawn:**

None.

The following appeals were **Dismissed:**  
None.

The following appeal was **Postponed:**

**Calendar No. 10-179:** 3292 Fulton Road postponed to January 31, 2011.

The following appeals heard by the Board on November 22, 2010 were adopted and approved on November 29, 2010.

The following appeals were **Approved:**

**Calendar No. 10-202:** 1917 West 25th Street

Tony and Nathmi Iwais, owners, and Yashar Yildirim, prospective purchaser, appealed for a modification of a previous decision of the Board to extend hours of operation for a restaurant in a General Retail Business District..

**Calendar No. 10-209:** 1030 East 62nd Street

Dobb, Inc., owner, and Solomon Doibo appealed to change use from a warehouse to a senior housing facility in an RA-2 District; subject to conditions.

**Calendar No. 10-214:** 7229 Carson Avenue

Cuyahoga Metropolitan Housing Authority appealed to erect a one-story dwelling with attached garage in a Multi-Family District.

The following appeal was **Denied:**

**Calendar No. 10-201:** 1663 Wayside Road

Lakeitha Morgan appealed to change a one family dwelling to a Type A Day Care in a Two-Family District.

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

Re: Report of the Meeting of November 24, 2010

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

\* \* \*

**Docket A-187-10.**

RE: Appeal of Urbana Inc. C/O Manfred Rosenbaum, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two Story Masonry Property located on the premises known as 1701 Urbana Road from a NOTICE OF VIOLATION—UNAUTHORIZED/ILLEGAL, dated March 31, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued noting that the pallets, which was the subject of the notice, are still present on the facility. The Appellant is granted two (2) weeks in which to remove the pallets, noting

1931

that the tenant has moved and the pallets will not be restored for that location without a proper occupancy permit. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-195-10.**

RE: Appeal of K & M Luxor Corporation, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 12012 Continental Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain any additional permits as required and one hundred twenty (120) days, both dates from this date (11/24/10), to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-202-10.**

RE: Appeal of Blazenka Mathews, Owner of Two the Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 1426 East 173rd Street from a LIMITATION ON THE PERMITS, dated April 15, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-202-10 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-204-10.**

RE: Appeal of Jozef Cisar, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 2144 West 93rd Street from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated April 22, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order.

Motioned by Mr. Saunders and seconded by Mr. Gallagher.  
Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

\* \* \*

**Docket A-205-10.**

RE: Appeal of Residential Service Agreement Development Co., LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 30 Villa Beach Drive from a 7 DAY CONDEMNATION ORDER—MAIN STRUCTURE, dated July 27, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the Condemnation Order was properly issued. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-206-10.**

RE: Appeal of Wells Fargo Bank, N.A., Mortgagee of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property located on the premises known as 15617 Eleanore Drive from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated April 21, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-206-10 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-228-10.**

RE: Appeal of Clara B. Fletcher, Owner of Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 9323 Union Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated May 25, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Building Department authority acted within their power of jurisdiction provided to them by the codes in the condemnation and demolition of the house. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-353-10.**

RE: Appeal of Bill Braun, Owner of Property located on the premises known as 1003 British Street from

an ADJUDICATION ORDER, dated August 20, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket is rescheduled for December 08, 2010.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-190-10 — Fairfax Renaissance Dev. Corp.
- A-191-10 — Fairfax Renaissance Dev. Corp.
- A-193-10 — Kenneth A. Myers Jr.
- A-281-10 — Mario Halbert
- A-301-10 — Raymond A. Weeden Sr.
- A-302-10 — Fairfax Renaissance Dev. Corp.
- A-303-10 — Fairfax Renaissance Dev. Corp.
- A-304-10 — Fairfax Renaissance Dev. Corp.
- A-305-10 — Fairfax Renaissance Dev. Corp.
- A-306-10 — Paul Bearden
- A-326-10 — Immaculate Management LLC
- A-346-10 — David Chudzinski
- A-433-10 — County of Cuyahoga

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Saunders and seconded by Mr. Saab for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

November 10, 2010

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

\* \* \*

**AMENDED RESOLUTION FROM OCTOBER 13, 2010:**

**Docket A-185-10.**  
72 East, LLC - 903 East 72nd Street:

FROM: ...to uphold the Condemnation Notice and to DENY any additional time, noting that the Appellant was not present for the hearing and that the building, as reported by the City, is condemnable and is slated for condemnation in the near future. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

TO: ...to grant the Appellant four (4) months in which to complete abatement of the violations resulting in the demolition of the proper-

ty, noting that the property is to remain properly boarded, secured and the grounds debris-free during that period of time. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

\* \* \*

**AMENDED RESOLUTION FROM NOVEMBER 10, 2010:**

**Docket A-196-10.**

Ilya Belkin - 4015 List Ct.:

FROM: ...to DENY the request for additional time and to REMAND the property 4015 List Ct. to the Department of Building and Housing for supervision and any required further action, noting the described condition of the property and the inactivity of the Appellant to maintain the property responsibly. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

TO: ...to grant the Appellant four (4) months in which to obtain a demolition permit and demolish the property, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the boarding must remain in place and the grounds debris free during that period of time. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing  
By the Council Committee  
On City Planning**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, December 6, 2010  
9:00 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, December 6, 2010, at 9:00 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 750-10.**

By Council Member Mitchell.  
An ordinance changing the Use District of lands at the intersection of E. 110th St. and Woodland Avenue as shown shaded on the attached map to Local Retail Business (Map Change Number 2306, Sheet 9).

**Ord. No. 751-10.**

By Council Member Mitchell.  
An ordinance changing the Use, Area and Height District of lands located on East 110 St. north of Shale Ave., E. 111 St. north of Stat-sny Ct. and Woodland Ave. east of E. 110th St. as shown shaded on the attached map to a Two Family Residential District, a 'B' Area District and a '1' Height District (Map Change No. 2305; Sheet No. 9).

**Ord. No. 752-10.**

By Council Member Mitchell.  
An ordinance changing the Use District of land located on the southwest corner of E. 114th St. and Woodland Ave. to Residence Office (Map Change Number 2307, Sheet 9).

**Ord. No. 756-10.**

By Council Member Mitchell.  
An ordinance changing the Use District of land located on the north and south sides of Woodland west of East Boulevard to Multi-Family Residential (Map Change Number 2308, Sheet 9).

**Ord. No. 1418-10.**

By Council Member Cimperman.  
An ordinance expanding the Live-Work Overlay District to include the land between E. 40th Street and E. 49th Street north of Saint Clair Avenue and south of the railroad (Map Change No. 2339, Sheet No. 4).

**Ord. No. 1419-10.**

By Council Member Keane.  
An ordinance expanding the Kamm's Corners Design Review District (Map Change No. 2338, Sheet Number 12).

All interested persons are urged to be present or to be represented at the above time and place.

Phyllis E. Cleveland  
Chair  
Committee on City Planning

November 24, 2010 and December 1, 2010

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

**Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will**

**be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.**

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**THURSDAY, DECEMBER 16, 2010**

**File No. 198-2010 — Interior Door Improvements (Re-Bid)**, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 684-08, passed by the Council of the City of Cleveland, July 2, 2008.

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

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 9, 2010 AT 2:00 P.M. LOCATED AT THE CLEVELAND PUBLIC AUDITORIUM, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**PLEASE MEET AT THE SECURITY DESK INSIDE THE NORTHWEST ENTRANCE.**

December 1, 2010 and December 8, 2010

**WEDNESDAY, DECEMBER 29, 2010**

**File No. 199-2010 — Ready Mix Concrete**, for the various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1182-10, passed by the Council of the City of Cleveland, September 20, 2010.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, DECEMBER 15 2010 AT 10:30 A.M. LOCATED AT THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

December 1, 2010 and December 8, 2010

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1511-10.**

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

**An emergency resolution requesting the County Auditor to make advances during the year 2011 under Section 321.34 of the Revised Code.**

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 under Section 321.34 of the Revised Code, the County Auditor is requested to draw, and the County Treasurer is requested to pay, on draft or drafts made payable to the Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2011 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2011 fiscal year, during which year such request will be made. The payments are to be made from time to time in accordance with the schedule set by Cuyahoga County.

**Section 2.** That the Clerk of Council is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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

Adopted November 22, 2010.

Effective November 22, 2010.

**Res. No. 1576-10.**

**By Council Member Sweeney.**

**An emergency resolution urging the Ohio State Senate to put up for a vote and pass House Bill 75 that creates an income tax refund "check-off" contribution for the benefit of the Ohio Historical Society.**

Whereas, the Ohio Historical Society (OHS) has been working for more than five years on legislation that would create an income tax refund check-off contribution for OHS (House Bill 75) that would be used to help support local history-related organizations and projects; and

Whereas, House Bill 75 passed the House with flying colors last December by a bipartisan 95-1 vote, and has since been unanimously approved by a Senate committee; and

Whereas, the Ohio Historical Society needs the Ohio Senate to put HB 75 up for a vote, but now the Senate appears ready to call it quits on the 128th General Assembly - to not convene at all in the "lame duck" session where unfinished business such as HB 75 would otherwise be passed; and

Whereas, if the Ohio Senate does not pass HB 75 now it will die; and

Whereas, HB 75 co-sponsor Rep. Kathleen Chandler is term-limited and her main co-sponsor was defeated - so neither of them will be back next year; and

Whereas, given the dire state budget situation, passing HB 75 is one way the Senate can help demonstrate their support for history without costing the state anything; and

Whereas, HB 75 will be used to support the work of local history-related organizations and projects through a competitive matching grants program; and

Whereas, while the Senate Ways and Means and Economic Development Committee added an amendment to HB 75 in the spring that would also add a tax check-off for the Ohio chapter of the American Red Cross, OHS does not have a position on the Red Cross tax check-off, and the Senate has the option to strip that out of the bill if it so chooses; and

Whereas, OHS wants HB 75 to finally pass and move on to Governor Strickland by the end of this year; and

Whereas, passage of HB 75 would benefit Cleveland City Council Archives along with all Ohio Archivists; 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.** Urging the Ohio State Senate to put up for a vote and pass House Bill 75 that creates an income tax refund "check-off" contribution for the benefit of the Ohio Historical Society.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Ohio State Senate, Martin Hauserman, Chief City Archivist, and Todd Kleismit, Ohio Historical Society, Director of Government Relations.

**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 November 22, 2010.  
Effective November 24, 2010.

**Res. No. 1577-10.**  
**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit at 1378 West 6th Street, and repealing Resolution No. 1528-10 objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to J B J J, LLC, DBA The Nauti Mermaid, 1378 West 6th Street, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent No. 4174602, by Resolution No. 1528-10 adopted by the Council on November 15, 2010; 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 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 objection to a D5 and D6 Liquor Permit to J B J J, LLC, DBA The Nauti Mermaid, 1378 West 6th Street, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent No. 4174602 be and the same is hereby withdrawn and Resolution No. 1528-10, containing such objection, be and the same is

hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted November 22, 2010.  
Effective November 24, 2010.

**Res. No. 1578-10.**  
**By Council Member Keane.**  
**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A, and D6 Liquor Permit to 13429 Lakewood Heights Boulevard, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from 2 Wolves, Inc., 13429 Lakewood Heights Boulevard, 1st floor and basement, Cleveland, Ohio 44107, Permanent Number 9116441 to Kye, LLC, DBA Sidetracks, 13429 Lakewood Heights Boulevard, 1st floor and basement, Cleveland, Ohio 44107, Permanent Number 0671100; 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 D1, D2, D3, D3A and D6 Liquor Permit from 2 Wolves, Inc., 13429 Lakewood Heights Boulevard, 1st floor and basement, Cleveland, Ohio 44107, Permanent Number 9116441 to Kye, LLC, DBA Sidetracks, 13429 Lakewood Heights Boulevard, 1st floor and basement, Cleveland, Ohio 44107, Permanent Number

0671100; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 22, 2010.  
Effective November 24, 2010.

**Res. No. 1579-10.**  
**By Council Member Reed.**  
**An emergency resolution objecting to a New C1 Liquor Permit 3916 East 123rd Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Manny Quick Stop, Inc., 3916 East 123rd Street, Cleveland, Ohio 44108, Permanent Number 5497040; 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 Manny Quick Stop, Inc., 3916 East 123rd Street, Cleveland, Ohio 44108, Permanent Number 5497040; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 22, 2010.  
Effective November 24, 2010.

**Res. No. 1580-10.**

**By Council Member Reed.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Permit to 9305 Miles Road.**

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 Ninety-Three Miles, Inc., DBA Convenience Plus Food Mart, 9305 Miles Road, Cleveland, Ohio 44105, Permanent Number 6416088 to 4969 Columbia, Inc., DBA Convenience Plus Food Mart, 9305 Miles Road, Cleveland, Ohio 44105, Permanent Number 2850925; 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 Ninety-Three Miles, Inc., DBA Convenience Plus Food Mart, 9305 Miles Road, Cleveland, Ohio 44105, Permanent Number 6416088 to 4969 Columbia, Inc., DBA Convenience Plus Food Mart, 9305 Miles Road, Cleveland,

Ohio 44105, Permanent Number 2850925; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 22, 2010.  
Effective November 24, 2010.

**Res. No. 1581-10.**

**By Council Member Westbrook.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 3691 West 105th Street, and repealing Resolution No. 1265-10 objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Sranan, LLC, DBA Star Value, 3691 West 105th Street, Cleveland, Ohio 44111, Permanent No. 8457477, by Resolution No. 1265-10 adopted by the Council on September 20, 2010; 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 C1 and C2 Liquor Permit to Sranan, LLC, DBA Star Value, 3691 West 105th Street, Cleveland, Ohio 44111, Permanent No. 8457477 be and the same is hereby withdrawn and Resolution No. 1265-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted November 22, 2010.  
Effective November 24, 2010.

**Res. No. 1587-10.**

**By Council Member Conwell.**

**An emergency resolution withdrawing supporting S.B. 235 and H.B. 493, which would create the offense of "trafficking in persons".**

Whereas, it is estimated that hundreds of children are trafficked to and from Ohio each year; and

Whereas, existing law provides mandatory prison terms and requires restitution for certain offenses committed in furtherance of human trafficking; and

Whereas, currently, most of Ohio's cases of human trafficking are referred to the federal government because Ohio's specification is too difficult to prove and the federal statute carries stiffer penalties; and

Whereas, SE 235 and HB 493 create the offense of "trafficking in persons" and will make Ohio more successful at apprehending and prosecuting traffickers; and

Whereas, his legislation will put Ohio's human trafficking definition and stand-alone felony in line with the Trafficking in Victims Protection Act and the Department of Justice's definition of human trafficking; and

Whereas, this legislation will put Ohio with 43 other states that have a human trafficking definition and stand-alone felony similar to the Trafficking in Victims Protection Act and the Department of Justice's definition; and

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

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

**Section 1.** That this Council hereby supports S.B. 235 and H.B. 493, which would create the offense of "trafficking in persons".

**Section 2.** That the Clerk of Council is hereby directed to forward a copy of this resolution to Governor Ted Strickland and all members of the Ohio House and Senate.

**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 November 22, 2010.  
Effective November 24, 2010.

**Ord. No. 1201-10.**

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

**An emergency ordinance determining the method of making the public improvement of grading and paving, constructing streets, sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the Morgana East new housing project; authorizing the Directors of Community Development, Public Service or Public Utilities to enter into contract for the making of the improvement; and 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.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of grading and paving, constructing streets, side-

walks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the Morgana East new housing project, for the Departments of Community Development and Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 2.** That the Directors of Community Development and Public Service are each authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 3.** That the Directors of Community Development and Public Service are authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 4.** That, 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 improvements described in this ordinance. The consideration to be paid for the real property and easements shall not exceed fair market value.

**Section 5.** That the Directors of Community Development and Public Service are authorized to execute on behalf of the City all documents necessary to acquire the 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 real property or easements.

**Section 6.** That the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 20 SF 379, 20 SF 393, 20 SF 505, and 20 SF 526, RQS 8006 RL 2010-170.

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

Passed November 22, 2010.

Effective November 24, 2010.

**Ord. No. 1332-10.**

**By Mayor Jackson.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 123.03 relating to the Office of Capital Projects.**

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

a municipal department; now, therefore,

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

**Section 1.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Office of Capital Projects is established, and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 123.03 to read as follows:

**Section 123.03 Office of Capital Projects**

(a) With the concurrence of the Board of Control, as required by Section 77 of the Charter, there is established in the Office of the Mayor, the Office of Capital Projects, to be administered and controlled by an Executive Assistant or Special Assistant to the Mayor, to be appointed by the Mayor to be the Director of Capital Projects and subject to the Mayor's supervision and control. The Director shall manage and supervise all capital projects of the City except as otherwise provided by the Charter and ordinances of the City, right-of-way management including the granting of permits for the use of encroachment upon the public highways in the City as may be provided for by ordinance, and perform all other duties pertaining to the Office of Capital Projects which may be required of him by ordinance or by the Mayor. The Director shall appoint, in accordance with the civil service provisions of the Charter, clerical or office support employees as may be required for the performance of the duties of the Office, and shall be responsible for their supervision.

(b) The Director may appoint a Consulting Engineer who shall be immediately responsible to the Director. The Consulting Engineer shall have such special engineering matters, investigations and reports referred to him as may be directed by or through the office of the Director. The Consulting Engineer shall conduct the engineering investigation and preliminary planning upon such projects as may be referred to him, and his services shall be made available for consultation in engineering matters such as river and harbor improvement, sewage treatment, street extensions, city planning, grade crossing eliminations and kindred projects arising in the Department, and may render similar service to the Mayor and other departments upon written request from the director of the department desiring the same and bearing the written approval of the Director.

(c) The Director is authorized to enter into successive agreements, each for a term not to exceed one year, with the County to perform annual bridge inspections in the City of Cleveland. The cost of the contract shall be subject to annual appropriations.

(d) There is established a Division of Engineering and Construction in the Office of Capital Projects, which shall be administered and controlled by a Special Assistant to the Mayor, appointed by the Mayor to be the Manager of Engineering and Construction. The Manager of Engineering and Construction shall prepare or cause to be prepared all surveys, maps, plats, plans, drawings, estimates and engineering specifications necessary for

public improvements, works and undertakings under the charge of the Office of Capital Projects other than buildings, and render similar service to other departments of the City government upon requisition from such departments, approved by the Director of the Office of Capital Projects. The Manager shall have charge of making the City boundaries where the same shall be necessary; the numbering of lots and houses; the construction, maintenance and repair of sidewalks; the planning, construction, improvement, repair and maintenance and operation of bridges and viaducts; the construction and repair of sewers pertaining to streets and freeways, subject to the approval of the Director of Public Utilities; and the supervision and inspection of construction of sewers. The Manager shall further perform all duties required of him by ordinance or by the Director of Capital Projects. The Manager is designated the Platting Commissioner of the City as the same is provided for in Charter Section 171.

(e) The Manager of Engineering and Construction may ascertain the carrying capacity of every City bridge, and when such carrying capacity of any such City bridge is ascertained, warning notice thereof shall be conspicuously painted in large letters at each end of such bridge. Notice shall also caution all persons against driving thereon a loaded conveyance of greater weight than the carrying capacity thereof. No person shall disregard such caution and drive on such bridge a loaded conveyance of greater weight than the carrying capacity of such bridge.

(f) There is established a Division of Architecture and Site Development in the Office of Capital Projects, which shall be administered and controlled by a Special Assistant to the Mayor, appointed by the Mayor to be the Manager of Architecture and Site Development. The Manager of Architecture and Site Development shall design and prepare or cause to be designed and prepared drawings, plans, estimates and architectural specifications for all City buildings and all City park and recreational properties and facilities upon written request from the director of the department desiring the same and bearing the written approval of the Director of Capital Projects.

(g) There is established a Division of Real Estate in the Office of Capital Projects, which shall be administered and controlled by a Commissioner to be known as the Commissioner of Real Estate, subject to the provisions of the Charter and ordinances of the City and subject to the direction of the Director of Capital Projects. The Commissioner of Real Estate shall, with the approval of the Director of Capital Projects appoint all officers and employees in his division. The Commissioner of Real Estate shall control and manage the real estate functions for the various departments of City government including the creation and maintenance of property records for all acquisitions, sales and leases of City property not under the control of another city department; such property records shall indicate each property's source, use, price, funding source, tax status, and legal descriptions.

**Section 2.** That the organizational chart as presented to this Council is placed in File No. 1332-10-A.



**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 November 22, 2010.  
Effective November 22, 2010.

**Ord. No. 1361-10.**  
**By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance to supplement Ordinance No. 55-09, passed February 2, 2009, as amended by Ordinance No. 1253-09, passed September 21, 2009, by adding new Sections 4a., 4b., and 4c.; and to supplement Ordinance No. 467-10, passed May 24, 2010, by adding new Sections 5a., 5b., and 5c., relating to repayments under the Neighborhood Stabilization Program and Neighborhood Stabilization II Program.**

Whereas, Ordinance No. 55-09, passed February 2, 2009, as amended by Ordinance No. 1253-09, passed September 21, 2009, authorized the Director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization Program ("NSP"); and

Whereas, Ordinance No. 467-10, passed May 24, 2010, authorized the Director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization II Program ("NSP II"); and

Whereas, both programs offer the ability of the City of Cleveland to loan program funds to implement the NSP and the NSP II; and

Whereas, the Department of Community Development seeks authorization to make additional expenditures using the repayments received under the NSP and the NSP II; 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 Ordinance No. 55-09, passed February 2, 2009, as amended by Ordinance No. 1253-09, passed September 21, 2009, is supplemented by adding new Sections 4a., 4b., and 4c., to read as follows:

**Section 4a.** That any loan agreements, security instruments, or other documents shall be prepared and approved by the Director of Law.

**Section 4b.** That the Director of Community Development is authorized to accept monies in repayment of the loans and to deposit the monies in Fund Nos. 19 SF 626, 19 SF 627, and 19 SF 643 and to utilize the repayments to make additional expenditures under the Neighborhood Stabilization Program, and are appropriated for this purpose.

**Section 4c.** That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of loan applications, closings, and servicing of the loans.

**Section 2.** That Ordinance No. 467-10, passed May 24, 2010, is supplemented by adding new Sections 5a., 5b., and 5c., to read as follows

**Section 5a.** That any loan agreements, security instruments, or other documents shall be prepared and approved by the Director of Law.

**Section 5b.** That the Director of Community Development is authorized to accept monies in repayment of the loans and to deposit the monies in Fund Nos. 19 SF 626, 19 SF 627, and 19 SF 643 and to utilize the repayments to make additional expenditures under the Neighborhood Stabilization Program II, and are appropriated for this purpose.

**Section 5c.** That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of loan applications, closings, and servicing of the loans.

**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 November 22, 2010.  
Effective November 22, 2010.

**Ord. No. 1444-10.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance to amend Section 127.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 101375, passed April 16, 1934, relating to the Division of Mail.**

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, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, Section 127.29, as amended by Ordinance No. 101375, passed April 16, 1934, is amended to read as follows:

**Section 127.29 Division of Mail**

There is hereby created in the Department of Finance a Division of Mail, to be under the direct supervision of the Commissioner of Printing and Reproduction, and there shall be such assistants as the Director of Finance shall deem necessary. All outgoing mail from the various departments and divisions shall be transmitted to the Division where it shall be properly stamped and mailed. The Commissioner shall determine by inquiry that mail dispatched by the Division is that involving City business and not the personal mail of the sender. The Commissioner shall not dispatch any mail which he determines is the personal mail of the sender but shall return such mail to the sender or hold it for postage.

**Section 2.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter existing Section 127.29, as amended by Ordinance No. 101375, passed April 16, 1934, is repealed.

**Section 3.** That this ordinance is declared to be an emergency mea-

sure 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 November 22, 2010.  
Effective November 24, 2010.

**Ord. No. 1460-10.**  
**By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1255-09, passed September 28, 2009, relating to a contract with Nautica Aquarium LLC, to provide development assistance to partially finance the construction of an aquarium to be located in the Powerhouse in the Flats area.**

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

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

**Section 1.** That the title and Sections 1 and 2 of Ordinance No. 1255-09, passed September 28, 2009, are amended to read as follows:

Authorizing the Director of Economic Development to enter into contract with Nautica Aquarium LLC, to provide development assistance to partially finance the construction of an aquarium to be located in the Powerhouse in the Flats area.

**Section 1.** That, provided Nautica Aquarium LLC submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Nautica Aquarium LLC to provide development assistance to partially finance the construction of an aquarium to be located in the Powerhouse in the Flats area.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1255-09-C, 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 2.** That the existing title and Sections 1 and 2 of Ordinance No. 1255-09, passed September 28, 2009, are repealed.

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

Passed November 22, 2010.  
Effective November 24, 2010.

**Ord. No. 1462-10.**  
**By Council Members Pruitt, Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 53903 with LH Development LLC to change the date principal and interest payments will be deferred to November 1, 2011.**

Whereas, under Ordinance No. 1276-98, passed July 29, 1998, as amended by Ordinance No. 2011-98, passed November 19, 1998, this Council authorized the Director of Economic Development to enter into a contract with LH Development LLC ("Borrower") for a Neighborhood Development Investment Fund Loan to assist Borrower in the acquisition and redevelopment of land and buildings comprising the Lee-Harvard Shopping Center; and

Whereas, under Ordinance No. 1160-05, passed June 6, 2005, this Council authorized an amendment to that agreement; and

Whereas, an additional amendment is necessary; and

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an amendment to Contract No. 53903 with LH Development LLC to defer all principal and interest payments under that agreement, as amended, until November 1, 2011. During this deferral of principal and interest payments, interest shall accrue on the unpaid principal at the rate of 2% per annum.

**Section 2.** That the amendment will 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.

Passed November 22, 2010.

Effective November 24, 2010.

**Ord. No. 1463-10.**

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

**An emergency ordinance authorizing the Director of Economic Development to amend Contract Nos. 67489, 67491, 67493, and 67494 with various entities for brownfield assessments and related professional services.**

Whereas, under Ordinance No. 1002-07, passed August 8, 2007, as amended by Ordinance No. 820-08, passed June 9, 2008, and Ordinance No. 809-09, passed June 8, 2009, this Council authorized the Director of Economic Development to enter into Contract Nos. 67489, 67491, 67493, and 67494 with various entities to provide brownfield assessments and related professional services; and

Whereas, additional services are required in order to continue current projects and to quickly begin additional projects when needed; 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 amend Contract No. 67489 with Pandey Environmental, Contract No. 67491 with Burgess & Niple, Contract No. 67493 with URS, and Contract No. 67494 with Hull & Associates to provide additional brownfield assessments and related professional services for a period not to exceed one year.

**Section 2.** That the contract amendments authorized in this ordinance 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.

Passed November 22, 2010.

Effective November 24, 2010.

**Ord. No. 1569-10.**

**By Council Member Cimperman. An emergency ordinance granting permission and authority to dispense alcoholic beverages in City Hall Rotunda on Wednesday, December 22, 2010, for the Global Diversity Holiday Party.**

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and welfare in that this event will promote intercultural alliances and new partnerships for 2011; now therefore,

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

**Section 1.** That, notwithstanding and as an exception to Section 617.11 of the Codified Ordinances of Cleveland, Ohio, 1976, permission and authority is granted to dispense alcoholic beverages in City Hall Rotunda on Wednesday, December 22, 2010, for the Global Diversity Holiday Party.

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

Passed November 22, 2010.

Effective November 24, 2010.

**Ord. No. 1570-10.**

**By Council Member Brancatelli. An emergency ordinance to provide for the appointments of city representatives to the Cuyahoga County Land Reutilization Corporation Board of Directors.**

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, at any such time as the Cuyahoga County Land Reutilization Corporation, pursuant to Chapter 1724 of the Revised Code and according to its Code of Regulations, seeks appointment to its Board of Directors of two (2) representatives from the City of Cleveland, then one appointment shall be made by the Mayor, and one appointment shall be made by the President of Council.

**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 November 22, 2010.

Effective November 24, 2010.

**Ord. No. 1573-10.**

**By Council Member Sweeney. An emergency ordinance authorizing the Clerk of Council to enter into contract with Mita Marketing LLC for professional services to assist Cleveland City Council with communications and public relations.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized to enter into a contract with Mita Marketing LLC for professional services to assist Cleveland City Council with communications and public relations, for a period beginning in January 2011 and concluding December 31, 2011.

**Section 2.** That the cost of said contract shall not exceed \$45,900 and shall be payable from Fund 01, Subfund 001, Object Code 6320.

**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 November 22, 2010.

Effective November 24, 2010.

**Ord. No. 1574-10.**

**By Council Member Sweeney. An emergency ordinance authorizing and directing the Director of Finance to eliminate the \$5.00 per month per employee fee to participate in the City's flexible spending account program and pay such fee out of the appropriate fund.**

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

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

**Section 1.** That the Director of Finance is hereby authorized and directed to eliminate the \$5.00 per month per employee fee to participate in the City's flexible spending account program and pay the monthly fee for all participating employees out of any fund deemed appropriate by the Director of Finance.

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

Passed November 22, 2010.

Effective November 24, 2010.

**Ord. No. 1575-10.**

**By Council Member J. Johnson. An emergency ordinance authorizing Maria Konstantinou to engage in peddling in Ward 8.**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of Maria Konstantinou to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow Maria Konstantinou to engage in peddling in Ward 8; 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, pursuant to Section 675.07 of the Codified Ordinances, this Council hereby consents to allow the person named in this section to engage in peddling in the public right of way in Ward 8 at the locations specified: Maria Konstantinou at 4005 Chester Avenue.

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

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

**Section 4.** That this ordinance supersedes any and all preceding ordinances that may authorize peddling at the above named location.

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

Passed November 22, 2010.

Effective November 24, 2010.

**COUNCIL COMMITTEE MEETINGS**

**Monday November 29, 2010 2:00 p.m.**

**Finance Committee:** Present: Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Westbrook. *Authorized Absence:* Sweeney, Chair; Pruitt.

**Employment, Affirmative Action and Training, Legislation, & Finance Committees:**

Present in Employment: Miller, Vice Chair; Cummins, Mitchell, Westbrook. *Authorized Absence:* Pruitt, Chair; J. Johnson, K. Johnson. Pro tempore: Kelley, Cleveland, Brady.

Present in Legislation: Mitchell, Chair; Brancatelli, Reed. *Authorized Absence:* K. Johnson, Vice Chair; Cimperman, Cleveland, Sweeney. Pro tempore: Kelley, Conwell.

Present in Finance: Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Westbrook. *Authorized Absence:* Sweeney, Chair; Pruitt. Pro tempore: Conwell.

**Tuesday November 30, 2010 9:30 a.m.**

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

**Index**

O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

Bold type in sections indicates amendments

**Agreements**

Clerk of Council — TRIAD Research Group, Inc — professional services (O 1610-10)..... 1901  
Economic Development — OSU Extension for Urban Agriculture Pilot Project (O 1507-10) ..... 1910  
Utilities Department — American Municipal Power — replacement power for coal plant (O 1606-10) ..... 1895

**Appropriations**

Appropriations — additional — (\$8,450,000) Special Revenue Funds — (\$100,000) Internal Service Funds — (\$394,000) Debt Service Funds (O 1582-10) ..... 1910  
Appropriations — Year 2011 — current expenses and other expenses — Finance Department (O 1584-10) ..... 1910

**Board of Building Standards and Building Appeals**

British Street, 1003, (Ward 3) — Bill Braun, owner - appeal rescheduled to 12/08/10 on 11/24/10 (Doc. A-353-10) ..... 1932  
Canterberry Road, 17902, (Ward 11) — Paul Bearden, owner - appeal adopted on 11/24/10 (Doc. A-306-10) ..... 1932  
Central Avenue, 8003, (Ward 6) — Fairfax Renaissance Development Corporation, owner — appeal adopted on 11/24/10 (Doc. A-305-10)..... 1932  
Continental Avenue, 12012, (Ward 4) — K & M Luxor Corporation, owner - appeal resolved on 11/24/10 (Doc. A-195-10)..... 1931  
East 173rd Street, 1426, (Ward 11) — Blazenska Mathews, owner - appeal withdrawn on 11/24/10 (Doc. A-202-10) ..... 1931  
East 72nd Street, 903, (Ward 6) — 72 East, LLC, owner - appeal amended on 11/24/10 (Doc. A-185-10) ..... 1932  
East 86th Street, 2266, (Ward 6) — Fairfax Renaissance Development Corporation, owner — appeal adopted on 11/24/10 (Doc. A-303-10)..... 1932  
East 93rd Street, 2280, (Ward 6) — Fairfax Renaissance Development Corporation, owner — appeal adopted on 11/24/10 (Doc. A-190-10)..... 1932  
East 93rd Street, 2288, (Ward 6) — Fairfax Renaissance Development Corporation, owner — appeal adopted on 11/24/10 (Doc. A-191-10)..... 1932  
East 97th Street, 2272, (Ward 6) — Fairfax Renaissance Development Corporation, owner — appeal adopted on 11/24/10 (Doc. A-302-10)..... 1932  
Eleanore Drive, 15617, (Ward 18) — Wells Fargo Bank, N.A., owner - appeal withdrawn on 11/24/10 (Doc. A-206-10) ..... 1932

Golden Avenue, 8016, (Ward 6) — Fairfax Renaissance Development Corporation, owner — appeal adopted on 11/24/10 (Doc. A-304-10)..... 1932

Highlandview Avenue, 14107, (Ward 18) — David Chudzinski, owner - appeal adopted on 11/24/10 (Doc. A-346-10) ..... 1932

List Court, 4015, (Ward 14) — Ilya Belkin, owner - appeal amended on 11/24/10 (Doc. A-196-10) ..... 1932

Parkhill Avenue, 12702, (Ward 4) — Immaculate Management LLC, owner - appeal adopted on 11/24/10 (Doc. A-326-10) ..... 1932

Riverside Avenue, 3406, (Ward 14) — Mario Halbert, owner - appeal adopted on 11/24/10 (Doc. A-281-10) ..... 1932

St. Clair Avenue, 1, (Ward 3) — County of Cuyahoga, c/o MMPI Cleveland Development, LLC, owner - appeal adopted on 11/24/10 (Doc. A-433-10)..... 1932

Takington Avenue, 17630, (Ward 1) — Raymond A. Weeden Sr., owner - appeal adopted on 11/24/10 (Doc. A-301-10)..... 1932

Union Avenue, 9323, (Ward 6) — Clara B. Fletcher, owner — appeal resolved on 11/24/10 (Doc. A-228-10) ..... 1932

Urbana Road, 1701, (Ward 10) — Urbana Inc., c/o Manfred Rosenbaum, owner — appeal resolved on 11/24/10 (Doc. A-187-10)..... 1931

Villa Beach Drive, 30, (Ward 11) — Residential Service Agreement Development Co., LLC, owner — appeal resolved on 11/24/10 (Doc. A-205-10)..... 1932

West 102nd Street, 1564, (Ward 17) — Kenneth A. Myers, Jr., owner — appeal adopted on 11/24/10 (Doc. A-193-10)..... 1932

West 93rd Street, 2144, (Ward 16) — Jozef Cisar, owner — appeal resolved on 11/24/10 (Doc. A-204-10) ..... 1931

**Board of Control — Burke Lakefront Airport Division**

Able Rents, dba Merry Christmas Trees — concession agreement for tree sales — November 26 to December 24, 2010 — Dept. of Port Control (BOC Res. 495-10) ..... 1929

**Board of Control — Cleveland Hopkins International Airport Division**

Runway 10-28 renovation and upgrade safety areas, Phase II — amend BOC Res. 455-10 — Dept. of Port Control (BOC Res. 494-10) ..... 1929

Snow melting units and associated facilities — per Ord. 1771-08, 479-09, 911-09 to The Great Lakes Construction Company — Dept. of Port Control (BOC Res. 497-10) ..... 1929

Survey parcels and quality assurance services — per Ord. 899-05 to Solar Testing Laboratories, Inc. — Dept. of Port Control (BOC Res. 496-10)..... 1929

**Board of Control — Concession Agreement**

Able Rents, dba Merry Christmas Trees — concession agreement for tree sales — November 26 to December 24, 2010 — Division of Burke Lakefront Airport, Dept. of Port Control (BOC Res. 495-10) ..... 1929

**Board of Control — Finance Department**

Toner ink supplies and recycling — per Ord. 867-10 to BSL-Applied Laser Technologies LLC, dba Applied Laser Technologies (BOC Res. 487-10) ..... 1928

**Board of Control — Motor Vehicle Maintenance Division**

Transmissions, remanufactured — per C.O. Sec. 131.17 to Anegada LLC, dba AAMCO Transmission of Bedford — Dept. of Public Service (BOC Res. 499-10) ..... 1930

**Board of Control — Park Maintenance and Properties Division**

Urban Forestry Property Maintenance Services — per C.O. Sec. 181.101 to VanCuren Services, Inc. — Dept. of Parks, Recreation and Properties (BOC Res. 500-10)..... 1930

**Board of Control — Parks, Recreation and Properties Department**

Urban Forestry Property Maintenance Services — per C.O. Sec. 181.101 to VanCuren Services, Inc. — Division of Park Maintenance and Properties (BOC Res. 500-10) ..... 1930

**Board of Control — Port Control Department**

Able Rents, dba Merry Christmas Trees — concession agreement for tree sales — November 26 to December 24, 2010 — Division of Burke Lakefront Airport (BOC Res. 495-10) ..... 1929

Runway 10-28 renovation and upgrade safety areas, Phase II — amend BOC Res. 455-10 — Division of Cleveland Hopkins International Airport (BOC Res. 494-10) ..... 1929

Snow melting units and associated facilities — per Ord. 1771-08, 479-09, 911-09 to The Great Lakes Construction Company — Division of Cleveland Hopkins International Airport (BOC Res. 497-10) .....	1929
Survey parcels and quality assurance services — per Ord. 899-05 to Solar Testing Laboratories, Inc. — Division of Cleveland Hopkins International Airport (BOC Res. 496-10) .....	1929

**Board of Control — Professional Service Contracts**

Engineering consulting services — West 44th Street Bridge and Harvard Avenue Bridge — amend Contract #45860 per BOC Res. 1164-92 — Dept. of Public Service (BOC Res. 498-10) .....	1930
Survey parcels and quality assurance services — per Ord. 899-05 to Solar Testing Laboratories, Inc. — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 496-10) .....	1929

**Board of Control — Public Improvement Contracts**

Runway 10-28 renovation and upgrade safety areas, Phase II — amend BOC Res. 455-10 — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 494-10) .....	1929
Snow melting units and associated facilities — per Ord. 1771-08, 479-09, 911-09 to The Great Lakes Construction Company — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 497-10) .....	1929

**Board of Control — Public Service Department**

Engineering consulting services — West 44th Street Bridge and Harvard Avenue Bridge — amend Contract #45860 per BOC Res. 1164-92 (BOC Res. 498-10) .....	1930
Transmissions, remanufactured — per C.O. Sec. 131.17 to Anegada LLC, dba AAMCO Transmission of Bedford — Division of Motor Vehicle Maintenance (BOC Res. 499-10) .....	1930

**Board of Control — Public Utilities Department**

Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 — all bids rejected — Division of Water (BOC Res. 492-10) .....	1928
Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Clow Valve Company, a Division of McWane, Inc. — Division of Water (BOC Res. 490-10) .....	1928
Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Ferguson Enterprises, Inc., dba Ferguson Waterworks — Division of Water (BOC Res. 493-10) .....	1929
Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to HD Supply Waterworks, Ltd. — Division of Water (BOC Res. 491-10) .....	1928
Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Kennedy Valve, a Division of McWane, Inc. — Division of Water (BOC Res. 489-10) .....	1928
Water pumps, electric motors, controls and appurtenances, repair — per Ord. 587-09 to The Wm. Plotz Machine & Forge Co., Inc. — Division of Water (BOC Res. 488-10) .....	1928

**Board of Control — Requirement Contracts**

Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Clow Valve Company, a Division of McWane, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 490-10) .....	1928
Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Ferguson Enterprises, Inc., dba Ferguson Waterworks — Division of Water, Dept. of Public Utilities (BOC Res. 493-10) .....	1929
Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to HD Supply Waterworks, Ltd. — Division of Water, Dept. of Public Utilities (BOC Res. 491-10) .....	1928
Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Kennedy Valve, a Division of McWane, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 489-10) .....	1928
Toner ink supplies and recycling — per Ord. 867-10 to BSL-Applied Laser Technologies LLC, dba Applied Laser Technologies — Dept. of Finance (BOC Res. 487-10) .....	1928
Transmissions, remanufactured — per C.O. Sec. 131.17 to Anegada LLC, dba AAMCO Transmission of Bedford — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 499-10) .....	1930
Urban Forestry Property Maintenance Services — per C.O. Sec. 181.101 to VanCuren Services, Inc. — Division of Park Maintenance and Properties, Dept. of Parks, Recreation and Properties (BOC Res. 500-10) .....	1930
Water pumps, electric motors, controls and appurtenances, repair — per Ord. 587-09 to The Wm. Plotz Machine & Forge Co., Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 488-10) .....	1928

**Board of Control — Water Division**

Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 — all bids rejected — Dept. of Public Utilities (BOC Res. 492-10) .....	1928
---	------

Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Clow Valve Company, a Division of McWane, Inc. — Dept. of Public Utilities (BOC Res. 490-10) ..... 1928

Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Ferguson Enterprises, Inc., dba Ferguson Waterworks — Dept. of Public Utilities (BOC Res. 493-10) ..... 1929

Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to HD Supply Waterworks, Ltd. — Dept. of Public Utilities (BOC Res. 491-10) ..... 1928

Fire hydrants and fire hydrant parts — per C.O. Sec. 129.25 to Kennedy Valve, a Division of McWane, Inc. — Dept. of Public Utilities (BOC Res. 489-10) ..... 1928

Water pumps, electric motors, controls and appurtenances, repair — per Ord. 587-09 to The Wm. Plotz Machine & Forge Co., Inc. — Dept. of Public Utilities (BOC Res. 488-10)..... 1928

**Board of Zoning Appeals — Report**

Broadway Avenue, 8415, (Ward 12) – Community Assessment and Treatment Services, owner — appeal heard on 11/29/10 (Cal. 10-217) ..... 1931

Carson Avenue, 7229, (Ward 5) – Cuyahoga Metropolitan Housing Authority, owner — appeal granted and adopted on 11/29/10 (Cal. 10-214) ..... 1931

Christine Avenue, 14117, (Ward 1) – Michelle Rose, owner — appeal heard on 11/29/10 (Cal. 10-218) ..... 1931

East 117th Street, 2832, (Ward 6) – Paul Libis, owner and Romena Foster, tenant — appeal heard on 11/29/10 (Cal. 10-226) ..... 1931

East 62nd Street, 1030, (Ward 7) – Dobb, Inc., owner and Solomon Doibo — appeal granted and adopted on 11/29/10 (Cal. 10-209)..... 1931

Fulton Road, 3292, (Ward 14) – Pawaw Mangla, owner — appeal postponed to 1/31/11 on 11/29/10 (Cal. 10-179)..... 1931

Puritas Avenue, 13724, (Ward 18) – Charles Jackson, owner — appeal heard on 11/29/10 (Cal. 10-215) ..... 1931

Superior Avenue, 3610, (Ward 8) – 3620 Superior Ave LLC, owner — appeal heard on 11/29/10 (Cal. 10-185) ..... 1931

Wayside Road, 1663, (Ward 10) – Lakeitha Morgan, owner — appeal denied and adopted on 11/29/10 (Cal. 10-201) ..... 1931

West 25th Street, 1917, (Ward 3) – Tony and Nathmi Iwais, owners — appeal granted and adopted on 11/29/10 (Cal. 10-202)..... 1931

West 33rd Street, 3121, (Ward 14) – The San Lorenzo Club and Jose Acevedo, owner — appeal heard on 11/29/10 (Cal. 10-107) ..... 1931

West 75th Street, 1900, (Ward 17) – Gary Fadel, owner — appeal heard on 11/29/10 (Cal. 10-216)..... 1931

**Board of Zoning Appeals — Schedule**

Colburn Avenue, 3403, (Ward 13) – Tim Grinnell, owner — appeal to be heard on 12/13/10 (Cal. 10-243) ..... 1930

East 22nd Street, 2351, (Ward 5) – St. Vincent Charity Medical Center, owner — appeal to be heard on 12/13/10 (Cal. 10-240) ..... 1930

St. Clair Avenue, 16569, (Ward 11) – Calabrese Cement & Masonry, owner and Utilities Construction — appeal to be heard on 12/13/10 (Cal. 10-211)..... 1930

**Bonds**

Airport Refunding 2010 (O 1571-10)..... 1910

General Obligation Refunding Bonds 2010 (O 1572-10) ..... 1910

**Building and Housing Department**

Building and Housing Department — Repeal & Enact 3167 — Flood Plain Management (O 1613-10) ..... 1901

Enact Sect. 347.17 — relating to satellite dishes (O 675-09) ..... 1909

**Building Code**

Enact Sect. 347.17 — relating to satellite dishes (O 675-09) ..... 1909

**City Hall**

Alcoholic beverages, dispense at City Hall — Dec. 22 — Global Diversity Holiday Party (O 1569-10)..... 1938

**City of Cleveland Bids**

Concrete, ready mix — Department of Finance — per Ord. 1182-10 — bid due December 29, 2010 (advertised 12/1/2010 and 12/8/2010)..... 1933

Public Auditorium interior door improvements (Re-bid) — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 684-08 — bid due December 16, 2010 (advertised 12/1/2010 and 12/8/2010) .....	1933
--	------

**City Planning Commission**

Carnegie Ave. — encroach into right-of-way — maintaining a parking lot & streetscape improvements — Tudor Arms Hotel, LLC. — Service Department (Ward 03) (O 1607-10) .....	1896
E. 110th St. & Woodland Ave. — Change the Use District — Local Retail Business (Ward 06) (O 750-10) .....	1933
E. 114th St. & Woodland Ave. — Change the Use District — Residence Office (Ward 06) (O 752-10) .....	1933
East 110 St. north of Shale Ave., E. 111 St. north of Statsny Ct. and Woodland Ave. east of E. 110th St. — Change the Use, Area and Height District — (Ward 06) (O 751-10) .....	1933
Euclid Ave., 6700 — encroach into right-of-way — maintaining four building encroachments — Dunham Square Land, LLC — Service Department (Ward 07) (O 1608-10) .....	1897
Henley Ave., S.W. — intention to vacate a portion — Service Department (Ward 16) (R 1609-10) .....	1901
Kamm's Corners Design Review District — expand — Triskett Rd., West 140th St. and Lakewood Heights Boulevard (Ward 19) (O 1419-10) .....	1933
Live-Work Overlay District — expand — between E. 40th St. & E. 49th St. north of Saint Clair Ave. (Ward 03) (O 1418-10) .....	1933
Woodland west of East Blvd. — Change the Use District — Multi-Family Residential (Ward 06) (O 756-10) .....	1933

**Clerk of Council**

Agreement — TRIAD Research Group, Inc — professional services (O 1610-10) .....	1901
Mita Marketing LLC — contract — professional services — communications & public relations (O 1573-10) .....	1938

**Cleveland Hopkins International Airport**

Exercise option to renew Contract No. 69064 with Kone, Inc. — Kone elevators, escalators and moving walkways (O 1603-10) .....	1895
Port Control — amend contracts 31262, 38171, 31263 46540 — with various airlines to swap space (O 1601-10) .....	1893

**Cleveland Metropolitan School District**

Cliffview Rd., — PPN 117-25-001/ 016 — Land Reutilization Program (Ward 10) (O 1464-10) .....	1910
---	------

**Cleveland Public Power**

Middough Associates — contract — professional services — engineering & design services — CPP System Expansion Project (O 1597-10) .....	1892
Retain tax revenue FY 2011 & 2012 — general fund — Public Power System — Utilities Department (O 1560-10) .....	1910
Utilities Department — contract — Landscape services (O 1599-10) .....	1892
Utilities Department — contracts — recycling and disposal of various chemicals, hazardous waste products (O 1598-10) .....	1892
Utilities Department — professional consultants — perform various general engineering & design services (O 1596-10) .....	1891
Utilities Department — professional service — PMJ settlement system (O 1614-10) .....	1899

**Codified Ordinances**

Amend Sect. 127.29 — Division of Mail (O 1444-10) .....	1937
Amend Sect. 675.09 — Time restriction for peddling door-to-door on residential property (O 1203-10) .....	1909
Building and Housing Department — Repeal & Enact 3167 — Flood Plain Management (O 1613-10) .....	1901
Enact Sect. 347.17 — relating to satellite dishes (O 675-09) .....	1909
Establish Office of Capital Projects — Enact new Sect. 123.03 (O 1332-10) .....	1936
Substitute for Ord. No. 1330-10 — Chapter 131 & 133 Department of Public Works (O.1330-A-10) .....	1909-1911

**Community Development Department**

Amend Ord. No. 55-09 & 467-10 — Neighborhood Stabilization Programs (O 1361-10) .....	1937
Amend Sect(s) 1& 2 of Ord. No. 467-10 — Neighborhood Stabilization II Program (O 1520-10) .....	1910

Cliffview Rd., — PPN 117-25-001/ 016 — Land Reutilization Program — Cleveland Metropolitan School District (Ward 10) (O 1464-10)..... 1910  
 Com. Dev. & Service Dept. — public improvement contract — new streets between E. 71 St. & Aetna — Morgana East new housing project (O 1201-10) ..... **1935**  
 East 69th St., 2025-2039 — PPN 118-14-019 / 020 / 021/ 022 — Land Reutilization Program — Midtown Acquisition, LLC (Ward 05) (O 1615-10) ..... 1899  
 East 69th St., 2245 — PPN 118-22-077 — Land Reutilization Program — Desdalena M. Trice (Ward 05) (O 1616-10) ..... 1900  
 East 92nd St. — PPN 126-23-019 — Land Reutilization Program — Micelli-LoGrasso Development, LLC. (Ward 04) (O 1417-10) ..... 1909  
 Enter into or amend contracts — various agencies — Home Weatherization Assistance Program (O 1456-10) ..... 1910  
 Quincy Ave., 9805 — PPN 121-17-029 — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1617-10)..... 1901

**Condolence Resolutions**

Qahhar, Shirley (R 1618-10) ..... 1891  
 Telich, Mrs. Janet I. (R 1619-10)..... 1891  
 Wasik, Mrs. Patricia (R 1620-10) ..... 1891

**Congratulations Resolutions**

Gethsemane Missionary Baptist Church (R 1621-10) ..... 1891  
 Wilson, Shirley & Royal (R 1622-10) ..... 1891

**Contracts**

Amend Ord. No. 55-09 & 467-10 — Neighborhood Stabilization Programs (O 1361-10) ..... **1937**  
 Amend Sect(s) 1 & 2 of Ord. No. 467-10 — Neighborhood Stabilization II Program (O 1520-10)..... 1910  
 Amend Sect. 1 & 2 of Ord. No. 1255-09 — Nautica Aquarium (O 1460-10) ..... **1937**  
 Com. Dev. & Service Dept. — public improvement — new streets between E. 71 St. & Aetna — Morgana East new housing project (O 1201-10) ..... **1935**  
 Community Development — enter into or amend contracts — various agencies — Home Weatherization Assistance Program (O 1456-10)..... 1910  
 Economic Development — amend Contract No. 53903 — LH Development LLC (O 1462-10)..... **1937**  
 Economic Development — amend Contract Nos. 67489, 67491, 67493 & 67494 — various entities for brownfield assessments (O 1463-10) ..... **1938**  
 Exercise first option to renew Contract No. 69128 with Standard Signs — Airfield Signage (O 1604-10) ..... 1895  
 Exercise option to renew Contract No. 67463 with InterVISTAS-ga2 Consulting, Inc (O 1446-10)..... 1909  
 Exercise option to renew Contract No. 69064 with Kone, Inc. — Kone elevators, escalators and moving walkways (O 1603-10) ..... 1895  
 Exercise the first option to renew Contract No. 688853 — LHD & Associates, Inc. — provide lobbying services for airport — related matters (O 1503-10) ..... 1910  
 Middough Associates — professional services — engineering & design services — CPP System Expansion Project (O 1597-10)..... 1892  
 Mita Marketing LLC — professional services — communications & public relations (O 1573-10) ..... **1938**  
 Port Control — amend contracts 31262, 38171, 31263 46540 — with various airlines to swap space (O 1601-10) ..... 1893  
 Port Control — Contract No. 69549 — Independence Excavating, Inc — roadway rehabilitation project (O 1352-10) ..... 1909  
 Service Department — NOACA federal highway funding — Commercial Road Bridge rehab. (O 1612-10) ..... 1898  
 Service Department — public improvement — pavement grinding (O 1605-10) ..... 1895  
 Utilities Department — Landscape services (O 1599-10) ..... 1892  
 Utilities Department — professional service — PMJ settlement system (O 1614-10)..... 1899  
 Utilities Department — recycling and disposal of various chemicals, hazardous waste products (O 1598-10) ..... 1892  
 Utilities Department — test, maintain, fuel & repair fueled backup systems — uninterruptible electrical systems (O 1600-10) ..... 1893  
 Vehicles, equipment and accessories (O 1602-10) ..... 1894

**County Auditor**

Tax Advances, Year 2011 — request County Auditor — City Treasury — Finance Department (R 1511-10)..... **1933**

**Cuyahoga County**

Cuyahoga County Land Reutilization Corporation Board of Directors (O 1570-10) ..... **1938**



**Debt Service Funds**

Appropriations — additional — (\$8,450,000) Special Revenue Funds — (\$100,000) Internal  
Service Funds — (\$394,000) Debt Service Funds (O 1582-10) ..... 1910

**Economic Development Department**

Agreement — OSU Extension for Urban Agriculture Pilot Project (O 1507-10) ..... 1910  
Amend Contract No. 53903 — LH Development LLC (O 1462-10) ..... **1937**  
Amend Contract Nos. 67489, 67491, 67493 & 67494 — various entities for brownfield  
assessments (O 1463-10) ..... **1938**  
Amend Sect. 1 & 2 of Ord. No. 1255-09 — Nautica Aquarium (O 1460-10) ..... **1937**

**Encroachments**

Carnegie Ave. — right-of-way — maintaining a parking lot & streetscape  
improvements — Tudor Arms Hotel, LLC. — Service Department (Ward 03) (O 1607-10) ..... 1896  
Euclid Ave., 6700 — right-of-way — maintaining four building encroachments — Dunham Square  
Land, LLC — Service Department (Ward 07) (O 1608-10)..... 1897

**Engineering and Construction Division**

Substitute for Ord. No. 1330-10 — Chapter 131 & 133 Department of Public Works (O.1330-A-10) ..... 1909-1911

**Finance Department**

Airport Refunding 2010 (O 1571-10)..... 1910  
Amend Sect. 127.29 — Division of Mail (O 1444-10) ..... **1937**  
Appropriations — additional — (\$8,450,000) Special Revenue Funds — (\$100,000) Internal  
Service Funds — (\$394,000) Debt Service Funds (O 1582-10) ..... 1910  
Appropriations — Year 2011 — current expenses and other expenses — Finance  
Department (O 1584-10) ..... 1910  
City's Flexible Spending Account Program (O 1574-10) ..... **1938**  
Fund Transfers — (\$3,306,500) — various divisions — General Fund — Finance  
Department (O 1583-10) ..... 1910  
General Obligation Refunding Bonds 2010 (O 1572-10) ..... 1910  
Retain tax revenue FY 2011 & 2012 — general fund — Public Power System — Cleveland  
Public Power Division — Utilities Department (O 1560-10) ..... 1910  
Tax Advances, Year 2011 — request County Auditor — City Treasury — Finance  
Department (R 1511-10)..... **1933**

**General Fund**

Appropriations — additional — (\$8,450,000) Special Revenue Funds — (\$100,000) Internal  
Service Funds — (\$394,000) Debt Service Funds (O 1582-10) ..... 1910  
Fund Transfers — (\$3,306,500) — various divisions — Finance Department (O 1583-10)..... 1910  
Retain tax revenue FY 2011 & 2012 — Public Power System — Cleveland Public Power  
Division — Utilities Department (O 1560-10) ..... 1910

**Home Weatherization Program**

Community Development — enter into or amend contracts — various agencies (O 1456-10)..... 1910

**House Bill**

H.B. 75 Income tax refund "check-off" for Ohio Historical Society (R 1576-10)..... **1933**  
Supporting S.B. 235 & H.B. 493 — "trafficking in persons" (R 1587-10) ..... **1935**

**Internal Service Funds**

Appropriations — additional — (\$8,450,000) Special Revenue Funds — (\$100,000) Internal  
Service Funds — (\$394,000) Debt Service Funds (O 1582-10) ..... 1910

**Land Reutilization Program**

Cliffview Rd., — PPN 117-25-001/ 016 — Cleveland Metropolitan School District (Ward 10)  
(O 1464-10) ..... 1910  
East 69th St., 2025-2039 — PPN 118-14-019 / 020 / 021/ 022 — Midtown Acquisition, LLC  
(Ward 05) (O 1615-10) ..... 1899  
East 69th St., 2245 — PPN 118-22-077 — Desdalena M. Trice (Ward 05) (O 1616-10) ..... 1900  
East 92nd St. — PPN 126-23-019 — Micelli-LoGrasso Development, LLC. (Ward 04) (O 1417-10) ..... 1909  
Quincy Ave., 9805 — PPN 121-17-029 — Fairfax Renaissance Development Corporation  
(O 1617-10) ..... 1901

**Liquor Permits**

East 123rd St., 3916 — objection to issuance (Ward 02) (R 1579-10) .....	1934
Lakewood Hts., Blvd., 13429 (1st. fl. & bsmt.) — objection to transfer of ownership (Ward 19) (R 1578-10).....	1934
Miles Rd., 9305 — objection to transfer of ownership (Ward 02) (R 1580-10) .....	1935
West 105th St., 3691 — withdraw objection to transfer of ownership — repeal Res. 1265-10 (Ward 16) (R 1581-10) .....	1935
West 6th St., 1378 — withdraw objection to transfer of ownership — repeal Res. 1528-10 (Ward 03) (R 1577-10) .....	1934

**Mayor's Office**

Amend Sect(s) 2, 5 & 40 of Ord. No. 947-08 — Salary and wage schedule (O 1331-10) .....	1909-1926
Establish Office of Capital Projects — Enact new Sect. 123.03 (O 1332-10) .....	1936
Substitute for Ord. No. 1330-10 — Chapter 131 & 133 Department of Public Works (O.1330-A-10) .....	1909-1911

**Parks, Recreation and Properties Department**

Alcoholic beverages, dispense at City Hall — Dec. 22 — Global Diversity Holiday Party (O 1569-10) .....	1938
Substitute for Ord. No. 1330-10 — Chapter 131 & 133 Department of Public Works (O.1330-A-10) .....	1909-1911

**Peddlers**

Amend Sect. 675.09 — Time restriction for peddling door-to-door on residential property (O 1203-10) .....	1909
Konstantinou, Maria — peddling (Ward 8) (O 1575-10) .....	1938

**Personnel Department**

Amend Sect(s) 2, 5 & 40 of Ord. No. 947-08 — Salary and wage schedule (O 1331-10) .....	1909-1926
City's Flexible Spending Account Program (O 1574-10) .....	1938

**Port Control Department**

Airport Refunding 2010 (O 1571-10).....	1910
Amend Contracts 31262, 38171, 31263 46540 — with various airlines to swap space (O 1601-10) .....	1893
Contract No. 69549 — Independence Excavating, Inc — roadway rehabilitation project (O 1352-10) .....	1909
Exercise first option to renew Contract No. 69128 with Standard Signs — Airfield Signage (O 1604-10) .....	1895
Exercise option to renew Contract No. 67463 with InterVISTAS-ga2 Consulting, Inc (O 1446-10).....	1909
Exercise option to renew Contract No. 69064 with Kone, Inc. — Kone elevators, escalators and moving walkways (O 1603-10) .....	1895
Exercise the first option to renew Contract No. 688853 — LHD & Associates, Inc. — provide lobbying services for airport — related matters (O 1503-10) .....	1910

**Professional Services**

Clerk of Council — agreement — TRIAD Research Group, Inc — professional services (O 1610-10).....	1901
Economic Development — amend Contract Nos. 67489, 67491, 67493 & 67494 — various entities for brownfield assessments (O 1463-10) .....	1938
Exercise option to renew Contract No. 67463 with InterVISTAS-ga2 Consulting, Inc (O 1446-10).....	1909
Exercise the first option to renew Contract No. 688853 — LHD & Associates, Inc. — provide lobbying services for airport — related matters (O 1503-10) .....	1910
Middough Associates — contract — professional services — engineering & design services — CPP System Expansion Project (O 1597-10) .....	1892
Mita Marketing LLC — contract — communications & public relations (O 1573-10) .....	1938
Utilities Department — professional consultants — perform various general engineering & design services — Cleveland Public Power (O 1596-10) .....	1891
Utilities Department — professional service — PMJ settlement system (O 1614-10).....	1899

**Public Hearing (Notices)**

E. 110th St. & Woodland Ave. — Change the Use District — Local Retail Business — City Planning Commission (Ward 06) (O 750-10).....	1933
E. 114th St. & Woodland Ave. — Change the Use District — Residence Office — City Planning Commission (Ward 06) (O 752-10).....	1933
East 110 St. north of Shale Ave., E. 111 St. north of Statsny Ct. and Woodland Ave. east of E. 110th St. — Change the Use, Area and Height District — City Planning Commission (Ward 06) (O 751-10) .....	1933
Kamm's Corners Design Review District — expand — Triskett Rd., West 140th St. and	

Lakewood Heights Boulevard (Ward 19) (O 1419-10) ..... 1933  
 Live-Work Overlay District — expand — between E. 40th St. & E. 49th St. north of Saint  
 Clair Ave. (Ward 03) (O 1418-10) ..... 1933  
 Woodland west of East Blvd. — Change the Use District — Multi-Family Residential — City  
 Planning Commission (Ward 06) (O 756-10) ..... 1933

**Public Improvements**

Com. Dev. & Service Dept. — contract — new streets between E. 71 St. & Aetna — Morgana  
 East new housing project (O 1201-10) ..... **1935**  
 Service Department — contracts — pavement grinding (O 1605-10) ..... 1895

**Recognition Resolutions**

Racco, Father Philip G. (R 1623-10) ..... 1891

**Resolutions of Support**

H.B. 75 Income tax refund “check-off” for Ohio Historical Society (R 1576-10) ..... **1933**  
 Supporting S.B. 235 & H.B. 493 — “trafficking in persons” (R 1587-10) ..... **1935**  
 World AIDS Day on December 1st. (R 1611-10) ..... 1908

**Resolutions- Miscellaneous**

H.B. 75 Income tax refund “check-off” for Ohio Historical Society (R 1576-10) ..... **1933**  
 Supporting S.B. 235 & H.B. 493 — “trafficking in persons” (R 1587-10) ..... **1935**  
 World AIDS Day on December 1st. (R 1611-10) ..... 1908

**Salaries**

Amend Sect(s) 2, 5 & 40 of Ord. No. 947-08 — Salary and wage schedule (O 1331-10) ..... 1909-1926

**Senate Bills**

Supporting S.B. 235 & H.B. 493 — “trafficking in persons” (R 1587-10) ..... **1935**

**Service Department**

Carnegie Ave. — encroach into right-of-way — maintaining a parking lot & streetscape  
 improvements — Tudor Arms Hotel, LLC. (Ward 03) (O 1607-10) ..... 1896  
 Com. Dev. & Service Dept. — public improvement contract — new streets between E. 71 St.  
 & Aetna — Morgana East new housing project (O 1201-10) ..... **1935**  
 Euclid Ave., 6700 — encroach into right-of-way — maintaining four building encroachments —  
 Dunham Square Land, LLC (Ward 07) (O 1608-10) ..... 1897  
 Henley Ave., S.W. — intention to vacate a portion — City Planning Commission (Ward 16)  
 (R 1609-10) ..... 1901  
 NOACA federal highway funding — Commercial Road Bridge rehab. — various contracts  
 (O 1612-10) ..... 1898  
 Public improvement contracts — pavement grinding (O 1605-10) ..... 1895  
 Substitute for Ord. No. 1330-10 — Chapter 131 & 133 Department of Public Works (O.1330-A-10) ..... 1909-1911  
 Vehicles, equipment and accessories (O 1602-10) ..... 1894

**Special Revenue Funds**

Appropriations — additional — (\$8,450,000) Special Revenue Funds — (\$100,000) Internal  
 Service Funds — (\$394,000) Debt Service Funds (O 1582-10) ..... 1910

**Street Vacation**

Henley Ave., S.W. — intention to vacate a portion — City Planning Commission — Service  
 Department (Ward 16) (R 1609-10) ..... 1901

**Utilities Department**

Agreement — American Municipal Power — replacement power for coal plant (O 1606-10) ..... 1895  
 Contract — Landscape services (O 1599-10) ..... 1892  
 Contracts — recycling and disposal of various chemicals, hazardous waste products (O 1598-10) ..... 1892  
 Contracts — test, maintain, fuel & repair fueled backup systems — uninterruptible  
 electrical systems (O 1600-10) ..... 1893

Middough Associates — contract — professional services — engineering & design services — CPP System Expansion Project (O 1597-10) .....	1892
Professional consultants — perform various general engineering & design services — Cleveland Public Power (O 1596-10) .....	1891
Professional service — PMJ settlement system (O 1614-10) .....	1899
Retain tax revenue FY 2011 & 2012 — general fund — Public Power System — Cleveland Public Power Division (O 1560-10) .....	1910

**Vehicles**

Vehicles, equipment and accessories (O 1602-10) .....	1894
---	------

**Ward 02**

East 123rd St., 3916 — objection to issuance — liquor permit (R 1579-10) .....	<b>1934</b>
Miles Rd., 9305 — objection to transfer of ownership — liquor permit (R 1580-10) .....	<b>1935</b>

**Ward 03**

Carnegie Ave. — encroach into right-of-way — maintaining a parking lot & streetscape improvements — Tudor Arms Hotel, LLC. — Service Department (O 1607-10) .....	1896
Live-Work Overlay District — expand — between E. 40th St. & E. 49th St. north of Saint Clair Ave. (O 1418-10) .....	1933
West 6th St., 1378 — withdraw objection to transfer of ownership — repeal Res. 1528-10 — liquor permit (R 1577-10) .....	<b>1934</b>

**Ward 04**

East 92nd St. — PPN 126-23-019 — Land Reutilization Program — Micelli-LoGrasso Development, LLC. (O 1417-10) .....	1909
---	------

**Ward 05**

East 69th St., 2025-2039 — PPN 118-14-019 / 020 / 021/ 022 — Land Reutilization Program — Midtown Acquisition, LLC (O 1615-10) .....	1899
East 69th St., 2245 — PPN 118-22-077 — Land Reutilization Program — Desdalena M. Trice (O 1616-10) .....	1900

**Ward 06**

E. 110th St. & Woodland Ave. — Change the Use District — Local Retail Business — City Planning Commission (O 750-10) .....	1933
E. 114th St. & Woodland Ave. — Change the Use District — Residence Office — City Planning Commission (O 752-10) .....	1933
East 110 St. north of Shale Ave., E. 111 St. north of Statsny Ct. and Woodland Ave. east of E. 110th St. — Change the Use, Area and Height District — City Planning Commission (O 751-10) .....	1933
Quincy Ave., 9805 — PPN 121-17-029 — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1617-10) .....	1901
Woodland west of East Blvd. — Change the Use District — Multi-Family Residential — City Planning Commission (O 756-10) .....	1933

**Ward 07**

Euclid Ave., 6700 — encroach into right-of-way — maintaining four building encroachments — Dunham Square Land, LLC — Service Department (O 1608-10) .....	1897
Gethsemane Missionary Baptist Church congratulations (R 1621-10) .....	1891

**Ward 08**

Konstantinou, Maria — peddling (Ward 8) (O 1575-10) .....	<b>1938</b>
Wilson, Shirley & Royal congratulations (R 1622-10) .....	1891

**Ward 09**

Qahhar, Shirley condolence (R 1618-10) .....	1891
Racco, Father Philip G. recognition (R 1623-10) .....	1891

**Ward 10**

Cliffview Rd., — PPN 117-25-001/ 016 — Land Reutilization Program — Cleveland Metropolitan School District (O 1464-10) ..... 1910

**Ward 11**

Telich, Mrs. Janet I. condolence (R 1619-10) ..... 1891

**Ward 13**

Wasik, Mrs. Patricia condolence (R 1620-10) ..... 1891

**Ward 16**

Henley Ave., S.W. — intention to vacate a portion — City Planning Commission — Service Department (R 1609-10)..... 1901  
West 105th St., 3691 — withdraw objection to transfer of ownership — repeal Res. 1265-10 — liquor permit (R 1581-10) ..... **1935**

**Ward 19**

Kamm's Corners Design Review District — expand — Triskett Rd., West 140th St. and Lakewood Heights Boulevard (O 1419-10) ..... 1933  
Lakewood Hts., Blvd., 13429 (1st. fl. & bsmt.) — objection to transfer of ownership — liquor permit (R 1578-10) ..... **1934**

**Water Pollution Control Division**

Utilities Department — contracts — recycling and disposal of various chemicals, hazardous waste products (O 1598-10) ..... 1892  
Utilities Department — contract — Landscape services (O 1599-10) ..... 1892

**Zoning**

E. 110th St. & Woodland Ave. — Change the Use District — Local Retail Business — City Planning Commission (Ward 06) (O 750-10)..... 1933  
E. 114th St. & Woodland Ave. — Change the Use District — Residence Office — City Planning Commission (Ward 06) (O 752-10) ..... 1933  
East 110 St. north of Shale Ave., E. 111 St. north of Statsny Ct. and Woodland Ave. east of E. 110th St. — Change the Use, Area and Height District — City Planning Commission (Ward 06) (O 751-10) ..... 1933  
Kamm's Corners Design Review District — expand — Triskett Rd., West 140th St. and Lakewood Heights Boulevard (Ward 19) (O 1419-10) ..... 1933  
Live-Work Overlay District — expand — between E. 40th St. & E. 49th St. north of Saint Clair Ave. (Ward 03) (O 1418-10) ..... 1933  
Woodland west of East Blvd. — Change the Use District — Multi-Family Residential — City Planning Commission (Ward 06) (O 756-10) ..... 1933