

The City Record

Official Publication of the Council of the City of Cleveland



November the Tenth, 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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

- 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, NOVEMBER 10, 2010

No. 5057

CITY COUNCIL

MONDAY, NOVEMBER 8, 2010

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

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

MAYOR'S APPOINTMENTS

File No. 1478-10.

November 3, 2010

The Honorable Martin J. Sweeney
City Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

The Honorable T.J. Dow
Chairman, Mayor's Appointments
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Sweeney and
Chairman Dow:

Included below are the names and term ending dates of the Mayor's nominations to be considered at the upcoming meeting of Cleveland City Council's Mayor's Appointment Committee. All nominations are reappointments.

City Planning Commission

Lillian Kuri, Term Ending 11-2-2016
Glوريا Jean Pinkney, Term Ending 11-2-2016

Landmarks Commission

John Torres, Term Ending 12-31-2013

Police Review Board

Thomas F. Jones, Term Ending 8-8-2014
Michael Walker, Term Ending 8-8-2014

Additionally, resumes and/or biographies are attached for the candidates. I can be reached at (216) 664-3544 or vmccall@city.cleveland.oh.us if you have any questions.

Thank you in advance for your cooperation.

Sincerely,
Valerie J. McCall
Chief of Government Affairs

Received.
Referred to Committee on Mayor's Appointments.

MAYOR'S APPOINTMENT COMMITTEE

File No. 1478-10-A.

November 8, 2010

To the Honorable Council of the City
of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the City Planning Commission.

We have before us the Mayor's Letter wherein he names his appointment to the City Planning Commission:

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 8, 2010

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Natoya J. Walker-Minor, and Directors Triozzi, Dumas, Withers, Smith, Wasik, Flask, Cox, Rush, Marion, Nichols, Griffin, Marion, Fumich, Interim Director John D. Mahoney, Lucille Ambroz, Secretary, Civil Service Commission, and Teresa Stevenson of Legislative Affairs.

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

MOTION

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

Lillian Kuri
Reappointment - Term expires on
November 2, 2016

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.
Without objection, Mayor's Appoint-
ment approved. Yeas 19. Nays 0.

File No. 1478-10-B.

November 8, 2010

To the Honorable Council of the City
of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment
Committee's consideration of the
Mayor's Appointment to the City
Planning Commission.

We have before us the Mayor's
Letter wherein he names his appoint-
ment to the City Planning
Commission:

Gloria Jean Pinkney
Reappointment - Term expires on
November 2, 2016

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.
Without objection, Mayor's Appoint-
ment approved. Yeas 19. Nays 0.

File No. 1478-10-C.

November 8, 2010

To the Honorable Council of the City
of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment
Committee's consideration of the
Mayor's Appointment to the
Landmarks Commission.

We have before us the Mayor's
Letter wherein he names his appoint-
ment to the Landmarks Commission:

John Torres
Reappointment - Term expires on
December 31, 2013

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.
Without objection, Mayor's Appoint-
ment approved. Yeas 19. Nays 0.

File No. 1478-10-D.

November 8, 2010

To the Honorable Council of the City
of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment
Committee's consideration of the
Mayor's Appointment to the Police
Review Board.

We have before us the Mayor's
Letter wherein he names his appoint-
ment to the Police Review Board:

Thomas F. Jones
Reappointment - Term expires on
August 8, 2014

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.
Without objection, Mayor's Appoint-
ment approved. Yeas 19. Nays 0.

File No. 1478-10-E.

November 8, 2010

To the Honorable Council of the City
of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment
Committee's consideration of the
Mayor's Appointment to the Police
Review Board.

We have before us the Mayor's
Letter wherein he names his appoint-
ment to the Police Review Board:

Michael Walker
Reappointment - Term expires on
August 8, 2014

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.
Without objection, Mayor's Appoint-
ment approved. Yeas 19. Nays 0.

PLATS

File No. 1430-10.

Council Member Cimperman (Ward
3).

Dedication of West 5th Street,
Leedy Court and Marquardt Avenue
Plat Review and Approval. West 7th
Street, West 5th Street and
Starkweather Avenue (Valleyview
Homes Hope VI, Phase 1)

Approved by Director of City
Planning; Recommended by
Committees on City Planning and
Public Service.

Without objection, Plat approved.
Yeas 19. Nays 0.

File No. 1431-10.

Council Member Conwell (Ward 9).
Circle 118 Subdivision No. 1 Review
and Approval. East 118th Street and
Euclid Avenue.

Approved by Director of City
Planning; Recommended by
Committees on City Planning and
Public Service.

Without objection, Plat approved.
Yeas 19. Nays 0.

**FROM THE DEPARTMENT OF
LIQUOR CONTROL**

File No. 1484-10.

Re: #5497040 - C1 New Application -
Manny Quick Stop, Inc., 3916 East
123rd Street. (Ward 2). Received.

File No. 1485-10.

Re: #8995856 - D5, D6 Transfer of
Ownership Application - Tops and
Bottoms Gentlemen's Club, LLC, 727
Bolivar Road and Patio. (Ward 3).
Received.

File No. 1486-10.

Re: #067110 - D1, D2, D3, D3A, D6
Transfer of Ownership Application -
Kyem, LLC, d.b.a., Sidetracks, 13429
Lakewood Heights Boulevard, 1st
floor and basement. (Ward 19).
Received.

**STATEMENT OF WORK
ACCEPTANCE**

File No. 1487-10.

From Director of Department of
Public Utilities - Contract No. 67951
with Kokosing Construction
Company for the Kirkland Pump
Station Rehabilitation Project
improvement for the Division of
Water. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1467-10—Dorma C.
(Eppley) Hydock.

Res. No. 1488-10—Ollie Burton.

Res. No. 1489-10—Paul Ellsworth
Rose.

Res. No. 1490-10—Joyce Louise
Thomas.

Res. No. 1491-10—Jemru Schiebman.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1492-10—Reverend Doug
Horner.

Res. No. 1493-10—City Architecture.

Res. No. 1494-10—St. Malachi Center
- 25th Anniversary.

Res. No. 1495-10—Milton & Tamar
Maltz (The Milton & Tamar Maltz
Family Foundation).

Res. No. 1496-10—Helen L.
Williams.

Res. No. 1497-10—John J. Carney.

Res. No. 1498-10—Bishop Prince J.
Moultry.

RESOLUTIONS OF RECOGNITION

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

Res. No. 1499-10—National Adoption
Awareness Month.

Res. No. 1500-10—Federation of
India Community Assn. Diwali,
"Festival of Lights" Celebration.

Res. No. 1501-10—Imperial Avenue
Eleven - Unified Anniversary Rally &
Candlelight Vigil.

FIRST READING EMERGENCY ORDINANCES REFERRED**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		506.00 759.00
	B. Adult grave — extra deep (depth of 8 feet)		621.00 931.00
	C. Interment on top of extra deep		506.00 759.00
	D. Baby grave or still born on top		94.00 141.00
	E. Cremated remains in urn		216.00 324.00
	F. Cremated remains in vault		270.00 405.00
	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 (Infirmary 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 457.051 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.

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

Without objection, substitute ordinance agreed to. Ordinance No. 1330-10 Laid on the table.

Ord. No. 1444-10.
By Council Members Mitchell and 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. 978-52, passed June 16, 1952, is repealed.

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

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

Ord. No. 1445-10.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with Cleveland Housing Network to administer energy, water, and sewer conservation services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

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 agreements with Cleveland Housing Network to administer energy, water, and sewer conservation services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of the agreement or agreements authorized shall not exceed \$803,750.00 and shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002, RL 2010-171.

Section 3. That the agreement or agreements shall be prepared by the Director of Law.

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

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

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.

Whereas, under the authority of Ordinance No. 1845-06, passed December 11, 2006, the Director of Port Control entered into Contract No. 67463 with InterVISTAS-ga2 Consulting, Inc. to provide air service consulting and advising services for the Department of Port Control; and

Whereas, Ordinance No. 1845-06 requires further legislation before exercising the second 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 second option to renew Contract No. 67463 for an additional year at a cost not to exceed \$250,000, payable from Fund Nos. 60 SF 001 and 60 SF 106, with InterVISTAS-ga2 Consulting,

Inc. to provide air service consulting and advising services for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 1845-06 to exercise this option. RQS 3001, RL 2010-174

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

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

Ord. No. 1447-10.
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 ALLEN Project, LLC to encroach into the public right-of-way of Dodge Court by installing, using, and maintaining a pedestrian bridge and a utility crossing.

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, to ALLEN Project, LLC, 1501 Euclid Avenue, Suite 200, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-way of Dodge Court by installing, using, and maintaining a pedestrian bridge and a utility crossing at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original 10 Acre Lot No. 75 and further bounded and described as follows:

Commencing on the northerly right-of-way of Euclid Avenue (99 feet wide) at the southeasterly corner of Lot No. 75;

Thence North 08° 30' 14" West along the easterly line of said Lot No. 75, a distance of 444.47 feet to the southeasterly corner of the right-of-way line of Dodge Court N.E. (width varies);

Thence South 81° 39' 19" West along the southerly right-of-way line of said Dodge Court N.E., a distance of 159.47 feet to a point;

Thence South 42° 04' 26" East a distance of 1.50 feet to the Principal Place of Beginning of the proposed 20 foot walkway easement herein described;

Thence South 81° 31' 28" West a distance of 24.01 feet;

Thence North 42° 04' 26" West a distance of 58.52 feet;

Thence North 81° 29' 13" East a distance of 24.00 feet;

Thence South 42° 04' 26" East a distance of 58.54 feet to the Principal Plane of Beginning; said bounds enclose a parcel containing 0.0269 acres of land, more or less, but subject to all legal highways and easements of record.

The basis of bearing is the centerline of Euclid Avenue as aforementioned. This description prepared by R.E. Warner & Associates, Inc. Christopher J. Tomko, Professional Surveyor #8243 in September, 2010.

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of 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.

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 permitted.

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

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. 1448-10.

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

An emergency ordinance to vacate a portion of East 65th Street.

Whereas, under Resolution No. 209-10, adopted June 7, 2010, this Council declared its intention to vacate a portion of East 65th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 23, 2010 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of East 65th Street (25 feet wide) extending southerly from the southerly line of Park Avenue S.E. (50 feet wide) (formerly Lyford Street) 119.30 feet to its southerly terminus as shown by the John Brooks Subdivision recorded in volume 16 page 24 of Cuyahoga Map Records.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1449-10.

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

An emergency ordinance to vacate a portion of East 106th Place.

Whereas, under Resolution No. 1415-09, adopted November 23, 2009, this Council declared its intention to vacate a portion of East 106th Place; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 30, 2010 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of East 106th Place (24 feet wide) and its turnouts

extending from the south right of way line of Carnegie Avenue S.E. (width varies) southerly to the north right of way line of Wilbur Avenue S.E. (50 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company and Dominion East Ohio Gas.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company, Dominion East Ohio Gas and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1450-10.

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

An emergency ordinance to vacate a portion of West 29th Street.

Whereas, under Resolution No. 211-10, adopted June 7, 2010, this Council declared its intention to vacate a portion of West 29th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 23, 2010 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of West 29th Street shown on the Barber and Lord Subdivisions as recorded in Volume 11, Page 26 of Cuyahoga County Map records of part of Original Brooklyn Township Lot No. 69 and being further bonded and described as follows:

Beginning at the intersection of the Southwesterly right-of-way line of West 29th Street (50 feet wide) and the Northwesterly right-of-way line of Chatham Avenue (66 feet wide);

Thence North 31°-12'-29" West along Southwesterly right-of-way line 202.04 feet a non tangent point on the proposed cul-de-sac;

Thence Northeasterly along the arc of a curb deflecting to the left 54.95 feet, said curb having a radius of 40.00 feet, a chord that bears North 68°-32'-33" East 50.73 feet, a tangent of 32.80 feet and a central angle of 78°-42'-37" to a non-tangent point on the Northeasterly right-of-way line of said West 29th Street;

Thence South 31°-12'-29" East along said Northeasterly right-of-way line 193.33 feet to the said Northwesterly right-of-way line of Chatham Avenue;

Thence South 58°-39'-01" West along said Northwesterly right-of-way line 50.00 feet to the Place of Beginning and containing 9,569 Square Feet of about 0.2197 Acres of land as described by John G. Hoy, Registered Professional Ohio Surveyor No. 7419, in April of 2009, be the same more or less but subject to all legal highways.

The Basis for the bearings used hereon is North 64°-23'-49" East along the centerline of Lorain Avenue from the plat recorded in Volume 315, Page 1 of Cuyahoga County Map records.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company, the Division of Water, Division of Water Pollution Control, Cleveland Public Power and SBC/AT&T.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company, Cleveland Public Power, SBC/AT&T, Division of Water, Division of Water Pollution Control and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1451-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the State of Ohio Office of Criminal Justice Services for the FY 2010 State Byrne Memorial Assistance Grant for the Northern Ohio Law Enforcement Task Force Program; and authoriz-

ing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$200,000, and any other funds that may become available during the grant term from the State of Ohio Office of Criminal Justice Service for the FY 2010 State Byrne Memorial Assistance Grant for the Northern Ohio Law Enforcement Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application title page and application, for the grant contained in the file described below.

Section 2. That the subgrant application title page and application for the grant, File No. 1451-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$66,650 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file.

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

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

Ord. No. 1452-10.

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

An emergency ordinance to amend Section 437.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91-96, passed March 18, 1996, relating to child restraint system usage, exceptions and penalty.

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

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

Section 1. That Section 437.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91-96, passed March 18, 1996, is amended to read as follows:

Section 437.26 Child Restraint System Usage; Exceptions and Penalty

(a) When any child who is in either or both of the following categories is

being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Section 401.43, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) a child who is less than four years of age;

(2) a child who weighs less than forty pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) a child who is less than four years of age;

(2) a child who weighs less than forty pounds.

(c) **When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Section 401.43 or a vehicle that is regulated under section 5104.011 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.**

(d) **When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (a), (b), or (c) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Section 401.43, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.**

(e) **Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for**

the purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed.

(f) The Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(j) Whoever violates division (a), (b), (c), or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(1) Except as otherwise provided in division (j)(2) of this section, the offender is guilty of a minor misdemeanor.

(2) If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b), (c), or (d) of this section or division (A), (B), (C), or (D) of Section 4511.81 of the Revised Code, the offender is guilty of a misdemeanor of the fourth degree.

(RC 4511.81)
Section 2. That existing Section 437.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91-96, passed March 18, 1996, is repealed.

Section 3. That this ordinance is declared to be an emergency measure

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

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

Ord. No. 1453-10.
By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance to authorize the Director of Public Safety to enter into contracts for the towing, storage and salvaging of vehicles, for the Division of Police, for a period of two years, with one two-year option to renew, exercisable through additional legislative authority.

Whereas, the Director of Public Safety conducted a Request for Proposals for the selection of the vendors selected by this ordinance; 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. Contracts for commercial and non-commercial towing, storage and salvaging of vehicles authorized. The Director of Public Safety is authorized to enter into contract in accordance with the provisions Section 135.42 with the following firms, for a term that shall not exceed two years with one two-year option to renew, exercisable by the Director of Public Safety, if authorized by additional legislative authority:

For the towing of non-commercial motor vehicles

Ecke's Towing, Inc.
 G & M Towing and Recovery, LLC
 K & M Towing and Automotive, Inc.
 Kufner Towing Inc.
 Matson Enterprises, Inc. dba Quality Automotive and Towing
 Parma Towing Inc.
 Regal Auto Body and Service, Inc.
 dba St. Clair Auto Body
 United Towing Services, Inc.

For the towing and storage of commercial motor vehicles

G & M Towing and Recovery LLC
 United Towing Services, Inc.

For the disposal of impounded vehicles that are unclaimed or abandoned

PSC Metals, Inc.

For the storage of non-commercial vehicles

Cleveland Impound Center, LLC - for the use of facilities at 3030 East 55th Street, Cleveland, Ohio 44127

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

Ord. No. 1454-10.
By Council Members Dow, K. Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with City Architecture Inc. for professional architectural and engineering services necessary to design improvements to League Park.

Whereas, under Ordinance No. 1138-01, passed June 19, 2001, this Council authorized the Directors of Parks, Recreation and Properties, Public Service and/or Economic Development to enter into a public improvement contract to improve League Park; and

Whereas, under Ordinance No. 841-02, passed June 10, 2002, this Council authorized an amendment to Ordinance No. 1138-01 to add a professional services contract with City Architecture, Inc. to provide programming and masterplanning services for the redevelopment of League Park; and

Whereas, architectural and engineering services are necessary in order to design and implement the restoration of League Park; 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 Parks, Recreation and Properties is authorized to enter into one or more contracts with City Architecture, Inc. for professional services necessary to design and implement the restoration of League Park on the basis of its proposal dated October 27, 2010, for the Department of Parks, Recreation and Properties. The contract or contracts shall be paid from Fund No. 20 SF 523 and from the fund or funds deemed appropriate by the Director of Finance for this purpose, Request No. RQS 7003, RL 2010-190.

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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Properties, and Recreation, Finance.

Ord. No. 1455-10.
By Council Members Cimperman, Brancatelli, Cleveland and Sweeney (by departmental request)

An emergency ordinance authorizing the Director of Community Development to lease certain property located at 4115 Bridge Avenue to The Near West Side Multi-Service Corporation, or its designee to operate the May Dugan Multi-Service Center, for a term of ten years with one ten-year option to renew, exercisable by the Director of Community Development.

Whereas, the City of Cleveland owns certain property located at 4115 Bridge Avenue, which is suitable for lease by another party for public use; and

Whereas, the Near West Side Multi-Service Corporation, or its designee, has proposed to lease the property from the City to operate the May Dugan Multi-Service Center; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease to The Near West Side Multi-Service Corporation, or its designee ("Lessee"), certain property, which is suitable for lease by another party for public use, and is more fully described as follows:

4115 Bridge Avenue
PPN: 003-35-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublots Numbers 560 and 565, both inclusive, in the Barbor and Lord Subdivision of part of Original Brooklyn Township Lots Number 51, 52, 69 and 70 as shown by the Recorded Plat in Volume 2 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning in the Southeasterly line of Bridge Avenue N.W. (66 feet wide) at the most Westerly corner of said Sublot Number 560;

Thence Northeasterly, along said Southeasterly line of Bridge Avenue N.W., 285.50 feet to the Southwesterly line of Randall Road N.W. (66 feet wide);

Thence Southeasterly, along said Southwesterly line of Randall Road N.W., 212.79 feet to the Northwesterly line of Fulton court N.W. (16 feet wide);

Thence Southwesterly along said Northwesterly line of Fulton Court N.W., 286.35 feet to the most Southerly corner of said Sublot Number 560;

Thence Northwesterly, along the Southwesterly line of said Sublot Number 560, 198.42 feet to the place of beginning and containing about 58,700 square feet of land, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the term of the lease authorized by this ordinance shall not exceed ten years, with one ten-year option to renew, exercisable by the Director of Community Development.

Section 3. That the property authorized by this ordinance shall be leased at a rental of \$1.00 per year and other valuable considerations, which is determined to be fair market value, exclusive of utilities.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Community Development, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

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

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.

Whereas, under Ordinance No. 603-09, passed June 1, 2009, this Council authorized the Director of Community Development to enter into one or more contracts with various entities, including Cleveland Housing Network, Cudell Improvement, Inc., Community Housing Solutions, Mt. Pleasant NOW Development Corporation, Fairfax Renaissance Development Corporation, and the Detroit Shoreway Community Development Organization to provide weatherization assistance to low-income city residents under the Home Weatherization Assistance Program ("HWAP") using approximately \$21,290,623 in American Reinvestment & Recovery Act ("ARRA") grant funds from the United States Government; and

Whereas, approximately \$5,421,200 in additional ARRA grant funds are available for HWAP and more weatherization services are 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 Community Development is authorized to enter into or amend contracts with various agencies to provide weatherization assistance to low-income city residents under the Home Weatherization Assistance Program ("HWAP").

Section 2. That the cost of the contracts and contract amendments authorized in this ordinance shall be in the approximate aggregate amount of \$5,421,200 and shall be paid from the fund or funds which are credited the grant proceeds received under Ordinance No. 463-09, passed April 20, 2009, and are appropriated for this purpose.

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

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

Ord. No. 1457-10.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 2435 Grandview Avenue to Emerald Development and Economic Network, Inc.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Emerald Development and Economic Network, Inc. ("EDEN, Inc.") no longer needed for public use and located at 2435 Grandview Avenue in Cleveland Heights, for purposes of resolving an outstanding title issue; and

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

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

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

P.P.N. 685-27-070

Situated in the City of Cleveland Heights, County of Cuyahoga, and State of Ohio and known as being subplot no. 66 in the Walton Brothers Cedar Heights Allotment of a part of Original East Cleveland Township Lot No. 413 as shown by the recorded plat in Volume 19 of Maps, Page 22 of Cuyahoga County Records, and being a parcel of land 40 feet front on the Easterly side of Grandview Avenue (60 feet wide) and extending back between parallel lines and along the Northerly line of West St. James Parkway, 138 feet, be the same more or less but subject to all legal highways, easements, and restrictions of record.

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

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

Section 4. That 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 Parks, Recreation, and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Properties, and Recreation, City Planning, Finance.

Ord. No. 1458-10.

By Council Member Mitchell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11016 Notre Dame to Kyle Gould.

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 Kyle Gould.

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

P. P. No. 121-32-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 63 in Graham and Schofield's Allotment of part of Original One Hundred Acre Lot Nos. 418 and 419, as shown by the recorded plat in Volume 64 of Maps, Page 33 of Cuyahoga County Records and described as follows:

Beginning on the Northwesterly line of East 111th Street, at the Southeasterly corner of said Sublot No. 63; thence Northeasterly along said Northwesterly line of East 111th Street and the Southeasterly line of Grafield Avenue SE; thence Northwesterly along said turnout 23 56/100 feet to said Southwesterly line of Grafield Avenue, SE, now known as Notre Dame Avenue; thence Northwesterly along said Southwesterly line of Grafield Avenue, SE, 17 42/100 feet; thence Southwesterly to a point in the Southwesterly line of said Sublot No. 63, 32.42 feet Northwesterly (measured along said Southwesterly line) from the place of beginning; thence Southeasterly along the Southwesterly line of Sublot No. 63, 32.42/100 feet to the place of beginning 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 reversion-

ary 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. 1459-10.

By Council Member Pruitt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4253 East 164th Street to Alisha L. Drake.

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 Alisha L. Drake.

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

P. P. No. 141-07-053

Situated in the City of Cleveland County of Cuyahoga and State of Ohio; And known as being all of Sublot Nos. 115 and 116 in Joseph M Boyles Sorrento Park Subdivision of part of Original Warrensville Township Lot Nos. 72 and 82, as shown by the recorded plat of said Subdivision in Volume 15 of Maps, Page 13 of Cuyahoga County Records. Said Sublot Nos. 115 and 116 together form a parcel of land having a frontage of 50 feet front on the Easterly side of East 164th Street (formerly McRae Avenue, S. E.) and extending back between parallel lines 131 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. 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.

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

Ord. No. 1461-10.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by JHB Hotel, LLC located at 1001-1101 Euclid Avenue for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code; and authorizing an agreement with JHB Hotel, LLC.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from and reconvey to, JHB Hotel, LLC for a price of one dollar and other valuable considerations determined as fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

Permanent Parcel No. 101-36-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 62 in John M. Woolsey's Allotment of part of Original Two Acre Lot Nos. 156 to 162 and all of Original Two Acre Lot Nos. 163 to 167 as shown by the recorded plat in Volume "N" of Deeds, Page 486 of Cuyahoga County Records forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Euclid Avenue, 99 feet in width, at the Southeast corner of land conveyed to Robert M. Levin, Trustee, and others by deed dated February 19, 1981 and recorded in Volume 15429, Page 403 of Cuyahoga County Records, being also the Southeast corner of land of George W. Gardner and others, as described in a boundary line agreement dated February 10, 1900 and recorded in Volume 753, Page 384 of Cuyahoga County Records;

Course No. 1:

Thence North 10° 38' 09" West along the Easterly line of land so conveyed to Robert M. Levin, Trustee, and others, and also the Easterly line of land of George W. Gardner, and others, 135.67 feet to its intersection with a line drawn parallel with and distant 135.67 feet Northerly by rectangular measurement from the Northerly line of said Euclid Avenue;

Course No. 2:

Thence North 79° 35' 51" East along said parallel line 46.28 feet to a point;

Course No. 3:

Thence South 10° 35' 39" East, 135.67 feet to a point in the Northerly line of aforementioned Euclid Avenue;

Course No. 4:

Thence South 79° 35' 51" West along the Northerly line of Euclid Avenue, 46.26 feet to the place of beginning, containing 6,278 square feet of land (0.1441 acres) according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in September, 1983, be the same more or less, but subject to all legal highways.

Includes a right-of-way from the above described property "sufficient for the receiving an delivery of goods" to Hickory Court on the North as outlined in Lease to the S.K. Siegel Company dated February 19, 1914 and recorded in Volume 60 of Leases, Page 219 of Cuyahoga County Records..

Permanent Parcel No. 101-36-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 62 in J.M. Woolsey's Allotment of part of Original Two Acre Lot Nos. 156 to 162, both inclusive, and all of Original Two Acre Lot Nos. 163 to 167, both inclusive, as shown by the recorded plat in Volume "N" of Deeds, Page 486 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Northerly line of Euclid Avenue, 99 feet in width, at the Southwesterly corner of Sublot No. 62 in said J.M. Woolsey's Allotment, from which point a P.K. was set 1.00 foot Southerly;

Course No. 1:

Thence North 10° 35' 53" West along the Westerly line of Sublot No. 62 in said J.M. Woolsey's Allotment, 248.66 feet to a P.K. nail set in the Southeast corner of Hickory Court N.E., 15.12 feet in width, being also the Westerly terminus thereof;

Course No. 2:

Thence North 55° 49' 01" East along said Southeast corner of Hickory Court N.E., 54.56 feet to the Northwesterly corner of Parcel 1A of land conveyed to Statler Arms, Inc., by deed dated December 27, 1996 and recorded in Volume 97-00021, Page 4 of Cuyahoga County Records, from which point a P.K. was set 1.00 foot Northerly;

Course No. 3:

Thence South 10° 35' 53" East along the Westerly line of said Parcel 1A of land so conveyed to Statler Arms, Inc., and along the Westerly line of land conveyed to Trebm Construction, Inc., by deed dated October 5, 1983 and recorded in Volume 83-0853, Page 17 of Cuyahoga County Records, 270.65 feet to a point in the aforementioned Northerly line of Euclid Avenue, from which point a drill hole and cross was set 1.00 foot Southerly;

Course No. 4:

Thence South 79° 35' 28" West along said Northerly line of Euclid Avenue, 50.00 feet to the place of beginning, containing 12,984 square feet of land, according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in July, 2000, be the same more or less, but subject to all legal highways.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

Permanent Parcel No. 101-36-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lots Nos. 155 and 156, and bounded and described as follows:

Beginning on the Northerly line of Euclid Avenue, 99 feet wide, at appoint distant 145.74 feet Easterly, measured along said Northerly line of Euclid Avenue from its intersection with the Northeasterly line of East 9th Street (formerly Erie Street), 99 feet wide, said place of beginning being also the Southwesterly corner of land conveyed to Lucretia J. Prentiss and Ellen A. Cox, by deed dated January 25, 1901, and recorded in Volume 771, Page 594 of Cuyahoga County Records;

Thence Easterly along the Northerly line of Euclid Avenue, 145.74 feet to the Southwesterly corner of land conveyed to the Loomis Company, by deed dated December 31, 1912, and recorded in Volume 1437, Page 507 of Cuyahoga County Records;

Thence Northerly along the Westerly line of land so conveyed to the Loomis Company, which is also along the centerline of a party wall created between the Loomis Company and the Euclid Company, by Agreement recorded in volume 1453, Page 122 of Cuyahoga County Records, and along the Northerly prolongation thereof, 265.15 feet to the Northwesterly line of said Original Lot No. 156;

Thence Southwesterly along the Northwesterly line of said Original Lots Nos. 156 and 155, 158.49 feet to the Northwesterly corner of land conveyed to Lucretia J. Prentiss and Ellen A. Cox, as aforesaid;

Thence Southerly along the Westerly line of land so conveyed, 200.97 feet to the place of beginning, according to a survey dated March 13, 1950 and updated on November 24, 1971 made by Edward C. O'Rouke Registered Surveyor.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to enter into an agreement with JHB Hotel, LLC which shall include the terms and conditions of the transaction authorized by this ordinance.

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

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

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.

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

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 pro-

vide 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.

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

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.

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 Cleveland Municipal School District.

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

P. P. No. 117-25-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Original Euclid Township Lot No. 50, and bounded and described as follows:

Beginning in the Southwesterly line of Cliffview Road, S.E., (formerly North Green Road) at a point South 44° 25' 20" East, a distance of 481.46 feet measured along said Southwesterly line from its intersection with the Southwesterly line of Euclid Avenue, 100 feet wide; thence continuing South 44° 25' 20" East a distance of 107 feet measured along said Southwesterly line of Cliffview Road, S.E., to its intersection with the Northwesterly line of land conveyed to W.H. Kelly, C.A. Witzel and William M. Hardie, Trustees of the Green Road Realty Association by deed dated June 30, 1926, and recorded in Volume 3479, Page 210 of Cuyahoga County records; thence South 47° 37' 10" West, a distance of 196 feet measured along said Northwesterly line of land so conveyed to the Trustees of Green Road Realty Association; thence North 44° 25' 20" West, a dis-

tance of 100.02 feet; thence North 45° 34' 40" East, a distance of 195.88 feet to the place of beginning, according to a survey by Cleveland Survey October 15, 1952, be the same more or less, but subject to all legal highways.

P. P. No. 117-25-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Lot No. 50, and bounded and described as follows:

Beginning in the Southeastery line of Euclid Avenue, at its intersections with the Southwesterly line of Cliffview Road, S.E. (formerly North Green Road, S.E.); thence South 44° 25' 20" East along said Southwesterly line of Cliffview Road, S.E., 481.46 feet to a point; thence South 45° 34' 40" West 195.88 feet to a point; thence South 44° 25' 20" East 100.02 feet to a point in the Northwesterly line of land conveyed to W.H. Kelly, C.A. Witzel and William M. Hardie, Trustees of Green Road Realty Association, by deed dated June 30, 1926, and recorded in Volume 3479, Page 210 of Cuyahoga County Records; thence South 47° 37' 10" West along the Northwesterly line of land so conveyed to said Trustees, 70 feet to a stone monument in the Northeastery line of land conveyed to Edmund B. Meriam by deed dated March 26, 1896, and recorded in Volume 629, Page 584 of Cuyahoga County Records; thence North 46° 48' 45" West along the Northeastery line of lands so conveyed to Edmund B. Meriam, about 582.83 feet to the Southeastery line of Euclid Avenue; thence Northeastery along the Southeastery line of Euclid Avenue, along the arc of a curve deflecting to the left, 187.86 feet, said curve having a radius of 5140.10 feet, the chord of which bears North 46° 29' 09" East, 187.86 feet to a point of compound curvature; thence continuing along the said Southeastery line of Euclid Avenue along the arc of a curve deflecting to the left, 102.31 feet, the curve having a radius of 8769.62 feet, the Chord of which bears North 45° 46' 23" East 102.31 feet to the place of beginning, 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. 1468-10,
By Council Members Cleveland,
Mitchell and Sweeney (by departmental request).**

An emergency ordinance to amend Sections 161.01 to 161.09 and 161.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal Section 161.051, as enacted by Ordinance No. 329-99, passed June 7, 1999, relating to the Landmarks Commission.

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 161.01, as amended by Ordinance No. 505-72, passed June 19, 1972,

Section 161.02, as amended by Ordinance No. 2458-79, passed December 17, 1979,

Section 161.03, as amended by Ordinance No. 3143-83, passed June 18, 1984,

Section 161.04, as amended by Ordinance No. 1281-06, passed December 11, 2006,

Section 161.05, as amended by Ordinance No. 1486-01, passed March 25, 2002,

Section 161.06, as amended by Ordinance No. 339-73, passed March 12, 1973,

Section 161.07, as amended by Ordinance No. 84-71, passed June 21, 1971,

Section 161.08, as amended by Ordinance No. 1881-93, passed September 13, 1993,

Section 161.09, as amended by Ordinance No. 1146-95, passed December 18, 1995, and

Section 161.99, as amended by Ordinance No. 84-71, passed June 21, 1971,

are amended to read as follows:

Section 161.01 Declaration of Public Policy and Purpose

Council declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, the interior public spaces of buildings or structures and their parts or features, works of art, and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

(a) Safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history;

(b) Stabilize and improve property values;

(c) Strengthen the economy of the City;

(d) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;

(e) Enhance the visual and aesthetic character, diversity and interest of the City;

(f) Foster civic pride in the beauty and notable accomplishments of the past;

(g) Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City **and outside the City**; and

(h) Take whatever steps are necessary to safeguard the property rights of the owner whose property is declared to be a landmark or is located in an area designated as a landmark district.

Section 161.02 Definitions

As used in this chapter, unless the context clearly requires otherwise:

(a) "Alteration" means:

(1) any material change in the external architectural features of any improvement which has been designated a landmark or which is situated in a landmark district, less than demolition, removal or construction of any such improvement; or

(2) any material change in the architectural features of any interior public space, or part or feature of any interior public space, that has been specifically designated a landmark.

(b) "Applicant" means any person, persons, association, partnership or corporation who applies for a certificate of appropriateness in order to undertake any environmental change as property subject to this chapter.

(c) "City Council" means Council of the City of Cleveland.

(d) "Commission" means the Cleveland Landmarks Commission established under the provisions of this chapter.

(e) "Environmental change" means any alteration, demolition, removal or construction of any property subject to the provisions of this chapter.

(f) "Improvement" means any place, building, structure, work of art, or similar object constituting a physical betterment of real property, or any part of such betterment.

(g) "Improvement parcel" means the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, which is treated as a single entity for the purpose of levying real estate taxes. However, any vacant parcel of land is excluded.

(h) "Interior public space" means any interior space of a building or structure that is, or was, customarily open and accessible to the public, by invitation or otherwise, and includes an interior public space designed to have present or future potential for public patronage or accessibility by invitation or otherwise. Terminating use by the public of an interior space shall not in and of itself constitute conversion of the design of the interior space. Interior public space does not include the interior of a place used for religious worship.

(i) "Landmark" means any improvement or any interior public space or any part or feature of an interior public space which has special character or special historical or aesthetic value as part of the development, heritage or cultural characteristics of the City, State, or the United States and which has been designated as a landmark under the provisions of this chapter. However, "landmark" may also include the improvement parcel, or part thereof, on which a landmark is situated. "Landmark" does not include any interior of a public space used for religious worship, or any part or feature of an interior

public space used for religious worship.

(j) "Landmark district" means any area designated by the Commission as an area containing any physical features or improvements or both which are of historical, social, cultural, architectural or aesthetic significance to the City of Cleveland, State of Ohio, or the United States, and cause such area to constitute a distinctive section of the City of Cleveland.

(k) "Member" means any member of the Commission.

(l) "Owner" means the owner of record and includes the plural as well as the singular.

Section 161.03 Landmarks Commission, Composition and Terms

The Cleveland Landmarks Commission is created. The Commission shall consist of eleven members, seven of whom shall be appointed by the Mayor, subject to the confirmation of Council. The remaining members shall be the Commissioner of Architecture, or his designee, the Director of the City Planning Commission, or his designee, who shall act as Secretary of the Landmarks Commission and two members appointed by the Council President to serve during the term of such Council. Members to be appointed by the Mayor shall be chosen from nominations made by the Western Reserve Historical Society, the Cleveland Chapter of the American Institute of Architects and the Early Settlers Association. At least one member shall be an owner of commercial or industrial real property; at least one member shall be a registered architect; at least one member shall be a historian qualified in the field of historic preservation; at least one member shall be a licensed real estate broker; at least one member shall be an attorney; and all members shall have, to the highest extent practicable, a known interest in landmarks preservation.

The terms of members appointed by the Mayor next after the expiration of the two-year terms of the members of the Commission existing on the effective date of this section shall be: two (2) members, two-year terms; and five (5) members, four-year terms. Thereafter, the terms of all members appointed by the Mayor shall be four (4) years. The terms of members appointed by the President of the Council shall be four (4) years. Members may be reappointed. Members appointed by the Council President shall be appointed for terms of four (4) years.

The members shall select a Chairman and a Vice-Chairman to serve for two (2) year terms. The members shall serve without compensation.

Section 161.04 Designation of Landmarks and Landmarks Districts

(a) In considering the designation of any area, place, building, structure, interior public space, or part or feature of an interior public space, work of art, or similar object in the City as a landmark or landmark district, the Commission shall apply the following criteria with respect to such property:

(1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City, State or the United States;

(2) Its location as a site of a significant historic event;

(3) Its identification with a person who significantly contributed to the culture and development of the City;

(4) Its exemplification of the cultural, economic, social or historic heritage of the City;

(5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

(6) Its embodiment of distinguishing characteristics of an architectural type or specimen;

(7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City;

(8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation;

(9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural or architectural motif;

(10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.

(11) For interior public spaces, or parts or features of interior public spaces, whether the interior public space, or its part or feature, is an extension and enhancement of the architectural character of the exterior of the building or structure and is related to the exterior in a direct manner.

(b) Designation of Interior Public Spaces of Buildings or Structures.

(1) No interior public space, or part or feature of any interior public space, shall be considered designated for preservation under this chapter unless it has been specifically designated after the initial effective date of this subsection.

(2) The designation of a building, structure, or district shall not constitute designation of any interior public space, or part or feature of any interior public space, unless the interior public space, or part or feature, is specifically identified in the designation of the building, structure, or district.

(3) An interior public space of a building or structure, or any part or feature of the interior public space, may be designated for preservation regardless of whether the remainder of the building, structure, site, or appurtenances with which it is associated have been designated.

(c) If the Commission finds that any area, place, building, structure, interior public space, part or feature of an interior public space, work of art, or similar object in the City meets the criteria in (a) above, it shall propose its designation as a landmark or landmark district, and take the following actions:

(1) For designation of an area, place, building, structure, interior public space, part or feature or an interior public space, work of art, or similar object as a landmark, the Landmarks Commission shall cause written notice of the proposed designation to be given by regular mail to the owner of record. Whenever possible, the Commission shall secure the owner's written consent to submit the proposed designation, together with its recommendation and findings of fact, to Council. In the event that the owner refuses or declines to give written consent to the proposed designation, the Commission shall schedule a public hearing on the question of the proposed designation, and shall cause written notice to be given by regular mail to the owner of record. The Commission also shall cause a legal notice to be published in a newspaper

of general circulation in the City setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing.

(2) For designation of an area as a Landmark District, the Landmarks Commission shall schedule a public hearing on the question of the proposed designation, and shall cause written notice of the hearing and the proposed designation to be given by regular mail to the owners of record of the property in the proposed district. The Commission also shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing.

(3) The Commission shall conduct the public hearings described in divisions (c) (1) and (c) (2) of this section and provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address and the interests which he represents.

(4) The Commission shall make a determination with respect to the proposed designation in writing at its next meeting after the initial hearing date. The Commission shall set forth in its recommendation the findings of fact that constitute the basis for its decision and shall transmit the recommendation to Council.

(5) The Council may designate by ordinance the areas, places, buildings, structures, interior public spaces, parts or features of interior public spaces, works of art, and other similar objects as a landmark or landmark district. Council may, in its discretion, hold public hearings on any proposed designation, whether designation is proposed only with the consent of the owner, or after public hearings before the Commission. Before passage, the ordinance designating an area, place, building, structure, interior public space, part or feature of an interior public space, work of art, or similar object in the City as a landmark or landmark district shall be submitted to the Planning Commission for report and recommendation.

(6) As soon as is reasonably possible after passage of an ordinance designating an area, place, building, structure, interior public space, part or feature of an interior public space, work of art, or similar object in the City as a landmark or landmark district, the Commission shall notify the Department of Building and Housing of the official designation.

(7) For designation of an area, place, building, structure, interior public space, part or feature of an interior public space, work of art, or similar object in the City as a landmark, the Commission shall file with the County Recorder an affidavit briefly stating the fact of designation and the number and passage date of the ordinance making the designation. The Commission, further, shall send by certified mail a copy of the ordinance and a copy of the affidavit filed with the County Recorder to the owner of record.

(8) For areas designated as a landmark district, the designation shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

(9) Notwithstanding any provision of this chapter, Council may rescind the designation of any area, place, building, structure, interior public space, part or feature of an interior public space, work of art, or similar object as a landmark or landmark district by ordinance. Passage of such an ordinance shall relieve the owner of such area, place, building, structure, interior public space, part or feature of an interior public space, work of art, or similar object from any duties or penalties contained in this chapter.

Section 161.05 Regulation of Environmental Changes; Certificate of Appropriateness

No person owning, renting or occupying property which has been designated a landmark or which is situated in a designated landmark district shall make any environmental change in such property unless a certificate of appropriateness has been previously issued by the Commission with respect to such environmental change. The following procedures shall apply to all alterations, demolitions, removals, or constructions of such property in the City:

(a) Any application to the Department of Building and Housing for a building permit for an environmental change shall also be deemed an application for a certificate of appropriateness, and shall be forwarded to the Commission, together with copies of all detailed plans, designs, elevations, specifications and documents relating thereto, within seven days after receipt thereof. An application for a certificate of appropriateness may be filed by the applicant directly with the Commission at the same time that an application for a building permit is filed or in lieu of filing for a building permit, if no building permit is required for the proposed environmental change.

(b) The Commission shall evaluate applications to determine whether or not the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property and to determine whether or not the environmental change proposed by the applicant is consistent with the spirit and purposes of this chapter.

(1) In evaluating applications for alterations or construction of property, the Commission shall consider the following standards created by the U.S. Department of the Interior:

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and, its features, spaces, site, and environment;

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;

C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;

D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;

F. Deteriorated historic features shall be repaired rather than

replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;

H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;

I. New additions, alterations to property, features, spaces, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(2) In evaluating applications for demolition or removal of property, the Commission shall consider the following standards:

A. The architectural and historic significance of the subject building, structure, interior public space, or part of feature of the interior public space;

B. The significance of the building, structure, interior public space, or part of feature of the interior public space in contributing to the architectural or historic character of its environs;

C. In the case of a request to move a building, structure, interior public space, or part of feature of the interior public space, the relationship between the location of the subject building or structure and its overall significance;

D. The present and potential economic viability of the subject building, structure, interior public space, or part of feature of the interior public space, given its physical condition and marketability;

E. If the demolition will remedy conditions imminently dangerous to life, health, or property, which imminently dangerous conditions have been determined in writing by the Department of Building and Housing, the Division of Fire or the Department of Public Health; and

F. The appropriateness of the proposed new structure, interior part or feature, or use and its impact on the surrounding community.

(c) If the Commission finds that the environmental change proposed by the applicant will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this chapter, or that the environmental change proposed by the applicant is the only means to remedy conditions imminently dangerous to life, health or property, which imminently dangerous conditions have been determined in writing by the Department of Building and Housing or the Division of Fire or the Department of Public

Health, then the Commission shall issue a certificate of appropriateness.

(d) If the Commission finds that the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property or is inappropriate or inconsistent with the spirit and purposes of this chapter, the Commission may either deny the application or delay action on the application. Any decision to delay action on the application shall be by mutual agreement of the Commission and the applicant and shall be for a period not to exceed six (6) months. During the delay period, the Commission shall conduct further investigation with regard to the proposed environmental change, conduct negotiations with the applicant and any other party in an effort to find a means of preserving the property, or explore alternatives to the proposed environmental change. The Commission may also investigate the feasibility of all available ways and means of preserving the improvement, interior public space, or part of feature of the interior public space, including without limitation, inducing by contract or other consideration the creation of covenants restricting the use of property, leasing and subleasing the property for the purposes of preservation and acquiring by eminent domain or contract or conveyance all or any part of or interest in the property.

(e) At the end of the delay period, the Commission shall either approve or deny the application, or delay action. A decision to delay action, at the end of one delay period, shall be by mutual agreement of the Commission and the applicant and shall be for a period not to exceed six (6) months. The Commission shall only agree to a second and final delay period if the Commission determines that this additional time period may be useful in securing an alternative to the proposed environmental change. At the end of the second and final delay period, the Commission shall either approve or deny the application for a certificate of appropriateness.

(f) Upon the issuance, denial or a delay in the issuance of a certificate of appropriateness, the Commission shall give written notices of the issuance, denial or delay in the issuance to the applicant and the Department of Building and Housing. The Commission shall provide written notice of the issuance, denial or delay in the issuance of a certificate of appropriateness to the applicant and the Department of Building and Housing within forty five (45) days of the receipt by the Commission of an application from either the applicant or the Department of Building and Housing.

(g) If no action has been taken by the Commission on an application for a certificate of appropriateness to approve, deny or delay action within forty-five (45) days after such application has been received by the Commission, the certificate of appropriateness shall be deemed issued.

Section 161.06 Powers and Duties of Commission
The Commission shall have the following powers and duties in addition to those otherwise specified in this chapter:

(a) The Commission shall conduct a continuing survey of all areas, places, buildings, structures, interior public spaces, parts or features of interior public spaces, works of art, or

similar objects in the City which the Commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as landmarks or landmark districts;

(b) The Commission shall work for the continuing education of the citizens of the City with respect to the historic and architectural heritage of the City and the landmarks and landmark districts designated under the provisions of this chapter. It shall keep current and publish a register of landmarks and landmark districts;

(c) The Commission shall have authority to establish, within the spirit and purposes of this chapter, criteria, rules and regulations for evaluating applications for certificates of appropriateness submitted to it and the manner in which they shall be processed;

(d) The Commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties.

Section 161.07 Certain Changes Not Prohibited

Nothing in this chapter shall be construed to prevent the following:

(a) The ordinary maintenance or repair of any architectural feature of any property which has been designated a landmark or which is situated in a designated landmark district that does not involve a change in design, material color or outer appearance thereof.

(b) Any environmental change of any property which has been designated a landmark or which is situated in a designated landmark district that the Department of Building and Housing, Division of Fire or Department of Public Health shall certify in writing is required by the public safety because of an unsafe or dangerous condition.

Section 161.08 Plaques Identifying Cleveland Landmarks and Landmark Districts

The Secretary to the Landmarks Commission is hereby authorized to enter into contract for the making of plaques which identify Cleveland landmarks and landmark districts and to sell such plaques to be used to mark individual landmarks and properties within landmark districts at a fee of two hundred dollars (\$200.00) per plaque.

Section 161.09 Minimum Maintenance Requirements

(a) Every Owner, operator, or agent of any property which has been designated a landmark or is situated in a designated landmark district shall keep in good repair all of the exterior portions or any interior public spaces, or any parts or features of any interior spaces, of each Improvement and Improvement parcel and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portion, interior public spaces, or parts or features thereof of such Improvement or Improvement parcel to deteriorate, decay or become damaged or otherwise fall into a state of disrepair. Every Owner, operator or agent of any property which has been designated a Landmark or is situated in a designated Landmark district shall further keep in good repair all portions of each Improvement and Improvement parcel which, if not so maintained, may cause or tend to cause such portions to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair.

(b) The repair and maintenance required by this section includes, without limitation:

(1) Developing and implementing a maintenance and monitoring plan for protecting each Improvement and Improvement parcel.

(2) Structurally stabilizing each Improvement and Improvement parcel by taking all steps necessary to ensure:

- A. The roof is watertight;
- B. Gutters are properly pitched and cleared of debris;
- C. Downspout joints are intact;
- D. Drains are unobstructed;
- E. Windows and door frames and wood siding are in good condition;
- F. Masonry walls are properly tuck-pointed to keep out moisture;
- G. The Improvement parcel is graded for proper water run-off;
- H. Vegetation is cleared from around each Improvement; and
- I. Trash, debris and hazardous materials such as inflammable liquids, poisons and paints are removed from the interior of each Improvement and from the Improvement parcel on a continuous basis.

(3) Exterminating or controlling pests, including termites and rodents.

(4) Protecting each Improvement from moisture penetration.

(5) Securing each vacant Improvement and Improvement parcel from vandalism and break-ins including, without limitation:

A. First floor windows and doors must be secured as provided in Section 3103.09 of the Codified Ordinances of the City of Cleveland, Ohio, 1976;

B. Plywood must be painted black or if the structure is composed of brick, a color compatible with the color of the brick;

C. The method used to install the plywood may not result in the destruction of the opening covered and all sashes, doors and frames must be protected or stored for future use;

D. Battery-operated intrusion alarms must be installed on the first floor of each Improvement;

E. Battery-operated smoke alarms must be installed on all floors of each Improvement;

F. Adequate security lighting must be installed on each improvement and adequate security lighting or fencing or both must also be installed on each Improvement parcel where deemed necessary by the **Director** of Building and Housing.

(6) Providing adequate ventilation to the interior of each vacant Improvement.

(7) Securing or modifying utilities and mechanical systems for each vacant Improvement.

(8) Taking such other steps deemed necessary by the **Director** of Building and Housing.

(c) Every Owner of any property which has been designated a Landmark or is situated in a designated Landmark district shall, when the **Director** of Building and Housing deems it necessary to preserve the public peace, property, health or safety, furnish and file with the **Director** a bond in the penal sum of fifteen thousand dollars (\$15,000.00) to be approved as to form by the Director of Law, guaranteeing full and faithful compliance by the Owner with the requirements of this section, binding the surety thereon to correct or abate any violation of this section whenever the Owner refuses, neglects or fails to correct or abate such violation within a reasonable time limit set by the **Director**.

(d) Every Owner of any property which has been designated a Landmark or is situated in a designated Landmark district shall designate in writing the name, current address and telephone number of a natural person residing within Cuyahoga County who is authorized by the Owner to act for the Owner and receive any notices under this section. Such natural person must be of sound mind and at least eighteen years of age. Every Owner shall notify the **Director** of Building and Housing in writing of any change in the name, address and/or telephone number of the natural person designated in this section.

(e) The provisions of this chapter shall be in addition to all other applicable provisions of the Building Code of the City of Cleveland. Where provisions conflict, the provision imposing the stricter requirement shall control.

(f) It shall be the duty of the **Department** of Building and Housing to enforce this section. The Cleveland Landmarks Commission on its own initiative may notify the **Department** of Building and Housing of a violation and request that the **Director** of Building and Housing proceed to take action against any Owner, operator or agent who is in violation of this section.

(g) No person shall fail to comply with the provisions of these Minimum Maintenance Requirements as stated in this Section 161.09.

Section 161.99 Penalty

(a) **Whoever violates Section 161.05 or Section 161.09** shall be fined not less than fifty dollars (\$50.00) nor more than twenty-five hundred dollars (\$2,500.00) for each offense. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(b) It shall be the duty of the Department of Building and Housing to enforce Section 161.05. The Cleveland Landmarks Commission on its own initiative may notify the Department of Building and Housing of a violation and request that the Director of Building and Housing proceed to take action against any Owner, operator or agent who is in violation of this section.

(c) Notwithstanding the provisions of division (a) of this section, in the event any environmental change is made in any property which has been designated a landmark or which is situated in a landmark district, in violation of the provisions of this chapter, the City may institute appropriate proceedings to prevent such unlawful environmental change.

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

Section 161.01, as amended by Ordinance No. 505-72, passed June 19, 1972,

Section 161.02, as amended by Ordinance No. 2458-79, passed December 17, 1979,

Section 161.03, as amended by Ordinance No. 3143-83, passed June 18, 1984,

Section 161.04, as amended by Ordinance No. 1281-06, passed December 11, 2006,

Section 161.05, as amended by Ordinance No. 1486-01, passed March 25, 2002,

Section 161.051, as enacted by Ordinance No. 329-99, passed June 7, 1999,

Section 161.06, as amended by Ordinance No. 339-73, passed March 12, 1973,

Section 161.07, as amended by Ordinance No. 84-71, passed June 21, 1971,

Section 161.08, as amended by Ordinance No. 1881-93, passed September 13, 1993,

Section 161.09, as amended by Ordinance No. 1146-95, passed December 18, 1995, and

Section 161.99, as amended by Ordinance No. 84-71, passed June 21, 1971, are repealed.

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

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

Ord. No. 1469-10.

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

An emergency ordinance to amend Section 161.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2458-79, passed December 17, 1979, to exclude religious stained glass type windows from the definition of "Landmark."

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

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

Section 1. That Section 161.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2458-79, passed December 17, 1979, is amended to read as follows:

Section 161.02 Definitions

As used in this chapter, unless the context clearly requires otherwise:

(a) "Alteration" means any material change in the external architectural features of any improvement which has been designated a landmark or which is situated in a landmark district, less than demolition, removal or construction of any such improvement.

(b) "Applicant" means any person, persons, association, partnership or corporation who applies for a certificate of appropriateness in order to undertake any environmental change as property subject to this chapter.

(c) "City Council" means Council of the City of Cleveland.

(d) "Commission" means the Cleveland Landmarks Commission established under the provisions of this chapter.

(e) "Environmental change" means any alteration, demolition, removal or construction of any property subject to the provisions of this chapter.

(f) "Improvement" means any place, building, structure, work of art or similar object constituting a physical betterment of real property, or any part of such betterment.

(g) "Improvement parcel" means the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, which is treated as a single entity for the purpose of levying real estate taxes. However, any vacant parcel of land is excluded.

(h) "Landmark" means any improvement which has special character or special historical or aesthetic value as part of the development, her-

itage or cultural characteristics of the City, State, or the United States and which has been designated as a landmark pursuant to the provisions of this chapter. However, "landmark" may also include the improvement parcel, or part thereof, on which a landmark is situated. **"Landmark" does not include any window, including a stained glass window, featuring religious icons, religious scenes, religious persons, or religious symbols.**

(i) "Landmark district" means any area designated by the Commission as an area containing any physical features or improvements or both which are of historical, social, cultural, architectural or aesthetic significance to the City of Cleveland, State of Ohio, or the United States, and cause such area to constitute a distinctive section of the City of Cleveland.

(j) "Member" means any member of the Commission.

(k) "Owner" means the owner of record and includes the plural as well as the singular.

Section 2. That existing Section 161.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2458-79, passed December 17, 1979, is repealed.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1465-10.

By Council Member Cimperman. An emergency ordinance authorizing Diana Dumitru to engage in mobile peddling in Ward 3.

Whereas, pursuant to Section 675.08 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 certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 3; 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 675.08 of the Codified Ordinances, this Council hereby consents to allow Diana Dumitru to engage in mobile peddling in the public right of way in Ward 3.

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

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

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

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

Ord. No. 1466-10.

By Council Member J. Johnson. An emergency ordinance authorizing Nikolaos Likos 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 Nikolaos Likos to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow Nikolaos Likos 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: Nikolaos Likos, 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.

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

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

Ord. No. 1470-10.

By Council Members Cimperman, Brancatelli and Sweeney (by department request).

An emergency ordinance providing for two allocations of Recovery Zone Facility Bond capacity in connection with the issuance and sale of one issue of bonds in the maximum principal amount of \$3,615,000, and another issue of bonds in the maximum principal amount of \$13,000,000, both issues being for the purpose of providing funds for improving buildings and structures and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and to pay all expenses incurred in connection with the issuance of the bonds; and to authorize agreements with respect to the bonds.

Whereas, pursuant to the American Recovery and Reinvestment Act of

2009 ("ARRA") which enacted Section 1400U-1(a)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Internal Revenue Service announced that the City of Cleveland (the "City") had been allocated \$24,885,000 in Recovery Zone Facility Bond limitation (the "Original Allocation"); and

Whereas, the City has previously applied all of such Original Allocation to the Flats East Bank Project, as more fully described in Section 1 hereof, pursuant to Ordinance 1384-09, as amended by Ordinances 894-10 and 1181-10; and

Whereas, the City has been notified that it has been awarded a supplemental allocation of an additional \$3,615,000 in Recovery Zone Facility Bond allocation (the "Supplemental Flats Allocation"); and

Whereas, in addition to the bonds to be issued pursuant to the Original Allocation, the Treasurer of State, State of Ohio (the "Flats Issuer") has been requested to issue additional bonds in an aggregate principal amount not to exceed such Supplemental Flats Allocation (the "Flats Bonds") to provide additional tax-exempt financing the cost of the permanent improvements described in Section 1; and

Whereas, the Flats Issuer desires to treat the Flats Bonds as "Recovery Zone Facility Bonds" as defined in Section 1400U-3 of the Code; and

Whereas, the City wishes to allocate the entire Supplemental Flats Allocation to the Flats Issuer, to enable the Flats Issuer to issue the Flats Bonds as Recovery Zone Facility Bonds; and

Whereas, the City has been notified that it has been awarded a supplemental allocation of an additional \$13,000,000 in Recovery Zone Facility Bond allocation (the "Supplemental Rockwell Allocation"); and

Whereas, the Cleveland-Cuyahoga County Port Authority (the "CCPA") desires to issue bonds in a principal amount not to exceed \$8,500,000 and the Summit County Port Authority (the "SCPA") desires to issue bonds in a principal amount not to exceed \$4,500,000 (collectively, the "Rockwell Bonds") to finance the cost of certain permanent improvements described in Section 3; and

Whereas, the CCPA and SCPA desire to treat the Rockwell Bonds as "Recovery Zone Facility Bonds" as defined in Section 1400U-3 of the Code; and

Whereas, the City wishes to allocate the entire Supplemental Rockwell Allocation to the CCPA and SCPA, to enable the CCPA and SCPA to issue the Rockwell Bonds as Recovery Zone Facility Bonds; and

Whereas, the issuance of the Flats Bonds and the Rockwell Bonds is necessary to provide funds to pay the costs of the permanent improvements described in Sections 1 and 3, which are urgently needed for the benefit of the City, and the ability to issue the Bonds expires after December 31, 2010, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose - Flats East Bank Project. It is deemed necessary to enable the Flats Issuer to issue the Flats Bonds in an aggregate principal amount not to exceed Three Million Six Hundred Fifteen Thousand Dollars (\$3,615,000) for the purposes of (i) assisting Flats East

Office LLC (the "Company") in financing a portion of the costs of the acquisition and construction, reconstruction, renovation, or improvement of Recovery Zone Property, to-wit an approximately 476,000 square foot commercial office building for use by the Company in the leasing of such space to commercial businesses, which facility will be used in the active conduct of a Qualified Business within a Recovery Zone (all within the meaning of Section 1400U-3 of the Code) (the "Flats East Bank Project"), (ii) funding capitalized interest related to the Project, and (iii) paying certain expenses incurred in connection with the issuance of the Flats Bonds, not to exceed 2% of the sale proceeds, including the cost of any credit enhancement connected with the facility financed with the Flats Bonds. The Flats East Bank Project is located in the City and bounded on the west by West Tenth Street, on the south by Main Avenue, on the north by Front Avenue, and on the east by properties fronting on West Ninth Street. The Flats East Bank Project will be owned by the Cleveland-Cuyahoga County Port Authority and used by the Company pursuant to a capital lease in the active conduct of a Qualified Business within the Recovery Zone and the City, to promote economic development and increase employment within the City and the State.

Section 2. Waiver. The City hereby waives to the Flats Issuer, Three Million Six Hundred Fifteen Thousand Dollars (\$3,615,000) of Recovery Zone Facility Bond limitation, to enable the Flats Issuer to treat the Flats Bonds issued to finance the Flats East Bank Project as Recovery Zone Facility Bonds. This allocation is contingent upon bond counsel delivering a satisfactory opinion to the City that the issuance and use of proceeds of the Flats Bonds comply with the requirements of the Code, including Sections 1400U-1 through 1400U-3 of the Code, and the City being provided satisfactory indemnification from any liability arising from the issuance of the Bonds.

Section 3. Purpose - Rockwell Building Project. It is deemed necessary to enable the CCPA and SCPA to issue the Rockwell Bonds in an aggregate principal amount not to exceed Thirteen Million Dollars (\$13,000,000), for the purposes of (i) assisting Rockwell Property, LLC and Rockwell Land Management Co., LLC (the "Companies") in financing a portion of the costs of the acquisition and construction, reconstruction, renovation, or improvement of Recovery Zone Property, to-wit an approximately 115,000 square foot commercial office building for use by one or both of the Companies in the leasing of such space to commercial businesses, which facility will be used in the active conduct of a Qualified Business within a Recovery Zone (all within the meaning of Section 1400U-3 of the Code) (the "Rockwell Building Project"), (ii) funding capitalized interest related to the Rockwell Building Project, and (iii) paying certain expenses incurred in connection with the issuance of the Rockwell Bonds, not to exceed 2% of the sale proceeds, including the cost of any credit enhancement connected with the facility financed with the Rockwell Bonds. The Rockwell Building Project is located in the City and located at the northeast corner of East Sixth Street and Rockwell

Avenue. The Rockwell Building Project will be owned by the CCPA and used by one or both of the Companies pursuant to a capital lease in the active conduct of a Qualified Business within the Recovery Zone and the City, to promote economic development and increase employment within the City and the State.

Section 4. Waiver. The City hereby waives the entire Supplemental Rockwell Allocation to the CCPA and the SCPA, to be divided between such entities with Eight Million Five Hundred Thousand Dollars (\$8,500,000) of Recovery Zone Facility Bond limitation for CCPA and Four Million Five Hundred Thousand Dollars (\$4,500,000) of Recovery Zone Facility Bond limitation for SCPA, or in such other amounts as shall be mutually agreed upon by CCPA and SCPA in a Cooperative Agreement. The allocations herein are being made to enable the CCPA and SCPA to treat the Rockwell Bonds issued to finance the Rockwell Building Project as Recovery Zone Facility Bonds. This allocation is contingent upon bond counsel delivering a satisfactory opinion to the City that the issuance and use of proceeds of the Rockwell Bonds comply with the requirements of the Code, including Sections 1400U-1 through 1400U-3 of the Code, and the City being provided satisfactory indemnification from any liability arising from the issuance of the Rockwell Bonds.

Section 5. Officials Authorized. This Council authorizes the Mayor, Director of Economic Development, Director of Finance, the Department of Law, as appropriate, to sign, deliver, or file any documents, agreements or certificates in connection with the waiver of its Recovery Zone Facility Bond allocation to the Bonds, as may be required by ARRA, the Code, the Treasury Regulations promulgated thereunder, and any other applicable statute of regulation, as the Mayor, Director of Economic Development, Director of Finance, the Department of Law deems necessary and appropriate.

Section 6. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 7. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance, were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 8. Findings and Recitals of Validity. It is hereby determined, represented and recited that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 9. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a

section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 10. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 11. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

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

Ord. No. 1471-10.

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

An emergency ordinance to amend Section 4 of Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, relating to authorizing the Director of Economic Development to apply for and accept a HUD 108 loan from the United States Department of Housing and Urban Development and to enter into contract with Flats East Development LLC to partially finance the development located at the mouth of the Cuyahoga River on Lake Erie.

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

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

Section 1. That Section 4 of Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, is amended to read as follows:

Section 4. a) That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1383-09-B and **supplemented by File No. 1383-09-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, **with the addition of the requirements of division (b) of this section**, and are approved in all respects and shall not be changed without additional legislative authority.

b) Developer shall use reasonable efforts to maximize permanent employment opportunities by working with the City's Employment Connections Office to identify qualified Applicants.

Section 2. That existing Section 4 of Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, is repealed.

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

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

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

Ord. No. 1479-10.

By Council Member Dow.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the St. Clair Superior Development Corporation for the Holiday Gift Baskets and Food Gift Card Program through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective November 15, 2010 with the St. Clair Superior Development Corporation for the Holiday Gift baskets and Food Gift Card Program for the public purpose of providing food baskets and food gift cards to low-to-moderate income residents residing in the city of Cleveland through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1480-10.

By Council Member Mitchell.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Fairfax Renaissance Development Corporation for the Holiday Food Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective November 15, 2010 with the Fairfax Renaissance Development Corporation for the Holiday Food Program for the public purpose of providing food gift cards to low-to-moderate income residents residing in the city of Cleveland through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1481-10.

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 necessary to advertise for, recruit, evaluate, and recommend potential candidates for the position of Commissioner of Water, and to perform other related services, for a period not to exceed six months.

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 advertise for, recruit, evaluate, and recommend potential candidates for the position of Commissioner of Water, and to perform other related services, for a period not to exceed six months.

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

Section 2. That the cost of the contract or contracts authorized shall not exceed \$100,000 and shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2010-184.

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

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

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

Ord. No. 1483-10.

By Council Member Pruitt.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Harvard Community Services Center for the Snow Removal and Landscape Maintenance Program through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective December 1, 2010 with the Harvard Community Services Center for the Snow Removal and Landscape Maintenance Program for the public purpose of providing snow removal and landscaping services to senior citizens and disabled residents residing in the city of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

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

Res. No. 1472-10.

By Council Member Brady.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 10510-12 Madison Avenue, 1st floor and basement, and repealing Resolution No. 938-10, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to K & M Tavern, LLC, 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent No. 4423629, by Resolution No. 938-10 adopted by the Council on July 14, 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 D1, D2, D3, D3A and D6 Liquor Permit to K & M Tavern, LLC, 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 4423629 be and the same is hereby withdrawn and Resolution No. 938-10, 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.

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

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

Res. No. 1473-10.

By Council Member Dow.

An emergency resolution objecting to the transfer of stock of a C1 and C2 Liquor Permit to 9200 Wade Park Avenue, Unit A 30/40 only.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a C1 and C2 Liquor Permit at M & A Foods, Inc., DBA M & A Foods, 9200 Wade Park Avenue, Unit A 30/40 only, Cleveland, Ohio 44106, Permanent Number 5377788; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a C1 and C2 Liquor Permit at M & A Foods, Inc., DBA M & A Foods, 9200 Wade Park Avenue, Unit A 30/40 only, Cleveland, Ohio 44106, Permanent Number 5377788, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1474-10.

By Council Member Keane.

An emergency resolution withdrawing objection to the transfer of stock of a D5 and D6 Liquor Permit at 3314 Warren Road, and repealing Resolution No. 839-10, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a D5 and D6 Liquor Permit to 3314 Warren Road by Resolution No. 839-10 adopted by the Council on June 7, 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 D5 and D6 Liquor Permit to 5421 Fleet Avenue, LLC, DBA The 3rd Place, 3314 Warren Road, Cleveland, Ohio 44111, Permanent Number 27594040001 be and the same is hereby withdrawn and Resolution No. 839-10, 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.

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

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

Res. No. 1475-10.

By Council Member Mitchell.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 7819-21 Cedar Avenue and repealing Resolution No. 949-10, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 7819-21 Cedar Avenue by Resolution No. 949-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Nijmah Food Company, LLC, DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 6412877, be and the same is hereby withdrawn and Resolution No. 949-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1476-10.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3744 East 144th Street and repealing Resolution No. 951-10, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3744 East 144th Street by Resolution No. 951-10 adopted by the Council on July 14, 2010; and

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

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

municipal department; now, therefore,

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

Section 1. That objection to a C2 and C2X Liquor Permit to Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0300177, be and the same is hereby withdrawn and Resolution No. 951-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1477-10.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4563 Warner Road and repealing Resolution No. 1104-10, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 4563 Warner Road by Resolution No. 1104-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Basimas Market, Inc., 4563 Warner Road, Cleveland, Ohio 44105, Permanent Number 0498906, be and the same is hereby withdrawn and Resolution No. 1104-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1482-10.

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

An emergency resolution honoring Cleveland Public Library that ranked one of the top five libraries in the

country, receiving the highest possible rating of five stars in the Library Journal's America's Star Libraries 2010.

Whereas, Cleveland Public Library is ranked one of the top five libraries in the country, receiving the highest possible rating of five stars in the *Library Journal's* America's Star Libraries 2010; and

Whereas, Felton Thomas, Director of Cleveland Public Library said "This is great news for our Cleveland community; our goal is to provide our patrons easy access to our collections, programs, and computers, and we're honored to receive this recognition"; and

Whereas, *Library Journal* Index of Public Library Service (LJ Index) ranks more than 7,400 library systems in four categories: library visits, circulation, program attendance, and public Internet usage; and

Whereas, Cleveland Public Library ranked fifth out of all library systems of its size; and

Whereas, Cleveland Public Library is the place for all Clevelanders to dream, create and grow; and

Whereas, Cleveland Public Library serves four million patrons annually at 28 branches across the city, lending more than 6.5 million from a collection of more than 10 million items; and

Whereas, Cleveland Public Library services are also available at the Public Administration Library in City Hall, "The People's University on Wheels" Bookmobile, Ohio Library for the Blind and Physically Disabled, and the On the Road to Reading literacy van.

Whereas, Six of the participating 31 libraries of the CLEVENET library partnership were ranked as Star Libraries: Cleveland Public Library, East Cleveland Public Library, Euclid Public Library, Fairport Harbor Public Library, Orrville Public Library, Shaker Heights Public Library, Twinsburg Public Library, and Wickliffe Public Library; and

Whereas, Five of the nine libraries in the county of Cuyahoga were ranked as Star Libraries: Cuyahoga County Public Library, Cleveland Public Library, East Cleveland Public Library, Euclid Public Library and Shaker Heights Public Library; 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 honors Cleveland Public Library that ranked one of the top five libraries in the country, receiving the highest possible rating of five stars in the *Library Journal's* America's Star Libraries 2010.

Section 2. That the Clerk of Council is directed to send copies of this resolution to Cleveland Public Library, Felton Thomas, Director, and Mayor Frank G. Jackson.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1184-10.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Servisair USA, Inc. for the lease of space in the North Cargo Facility Building at Cleveland Hopkins International Airport for operation of an air cargo facility, for the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1259-10.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract Nos. 68393 and 68394 with Parking Solutions, Inc., an Ohio Corporation to operate a valet service concession and to lease space to operate the service at Cleveland Hopkins International Airport, 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, when amended, as follows:

1. In the title, line 5; in the first whereas clause, line 3; and in Section 1, line 3, between "valet" and "service" insert "**parking**" in all three places.

Amendment agreed to.

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

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

Ord. No. 1324-10.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Circadian Knight Corp. d/b/a Top Gun for the lease of office space at Burke Lakefront Airport for flight training and related services, for the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1325-10.

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

An emergency ordinance to appropriate a temporary construction easement for the public purpose of replacing the East 93rd Street, including East 93rd Street bridge.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of City Planning Committee; Passage recommended by Committees on Public Service, Finance.

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

Ord. No. 1349-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the 2011 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program.

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

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

Ord. No. 1350-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware and software, including printers, ancillary accessories, parts, supplies, peripheral devices, and labor and materials for installation if necessary, and maintenance, support, and training, for the various divisions of City government, for a period of three years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Ord. No. 1354-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Case Western Reserve University for the 2010 Emergency Management for Higher Education Grant.

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

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

Ord. No. 1355-10.

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

An emergency ordinance authorizing the Director of Public Safety to

apply for and accept a grant from Department of Justice Violence Against Women through the County Criminal Justice Services Agency for the 2011 Cleveland Domestic Violence Program; and authorizing the Director to enter into one or more contracts with Cuyahoga County to implement the grant.

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

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

Ord. No. 1356-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2010 Ohio Prescription Drug Grant.

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

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

Ord. No. 1357-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospital for the 2011 Cleveland High Visibility Enforcement Overtime Program.

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

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

Ord. No. 1358-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from United States Department of Justice, COPS Office, for the 2010 COPS Technology Program; and authorizing the Director to employ one or more professional consultants to implement the grant.

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

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

Ord. No. 1360-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of water revenue obligations to refund outstanding water revenue obligations; authorizing agreements related to the obligations; and authorizing and approving related matters.

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

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

Ord. No. 1363-10.

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

An emergency ordinance authorizing the Director of Economic Development, on behalf of the City of Cleveland, to enter into one or more agreements, or amendments to existing agreements, with members of the Northcoast Brownfield Coalition to participate as a member for a period up to 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1412-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1709-09, passed November 30, 2009, relating to one or more requirement contracts without competitive bidding with Sprint Nextel Corporation for personal handheld devices and accessories, wireless connection cards, software, licenses, upgrades, and maintenance, including replacements, and monthly recurring service, for the Division of Information Technology and Services, Department of Finance.

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

1. Insert new Section 3 to read as follows:

"Section 3. That a list of City-owned properties at which equipment will be installed under the authority of this ordinance as identified at the Finance Committee of Council shall be contained in File No. 1412-10-A, and may be supplemented by the Director of Finance by notification to this Council identifying such additional City-owned properties."

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

Amendments agreed to.

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

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

Ord. No. 1414-10.

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

An emergency ordinance authorizing Director of Public Safety to extend Contract No. 64776 with ACS State & Local Solutions, Inc. for traffic photo enforcement on a month-to-month basis, for a period not to exceed six months.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

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

Those voting nay: Council Member Cimperman.

MOTION

The Council Meeting adjourned at 8:30 p.m. to meet on Monday, November 15, 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:

NONE

BOARD OF CONTROL

November 3, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 3, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Director Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson and Director Flask.

Others: James Hardy, Commissioner, Purchases and Supplies.

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

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

Resolution No. 452-10.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 499-10, passed by the Council of the City of Cleveland on June 7, 2010, the firm of Inland Waters of Ohio, 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 dispose of hazardous, non-hazardous and universal wastes, including inspection, waste characterization, loading and shipment for the various divisions of the Department of Port Control, for a period of one year.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Inland Waters of Ohio, Inc. for the above-mentioned services, based upon its proposal dated September 29, 2010, which contract shall be prepared by the Director of Law, shall provide that the compensation to Inland Waters of Ohio, Inc. for the services authorized shall not exceed

\$60,000.00 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 subconsultants by Inland Waters of Ohio, Inc. is approved:

Subconsultant	Percentage	Amount
Samsel Supply Company	3.0%	CSB/FBE \$1,800.00
Precision Analytical, Inc.	7.0%	CSB/MBE \$4,200.00

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Director Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 453-10.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 499-10, passed by the Council of the City of Cleveland on June 7, 2010, the firm of Chemtron Corporation ("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 dispose of hazardous, non-hazardous and universal wastes, including inspection, waste characterization, loading and shipment for the various divisions of the Department of Port Control, for a period of one year.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Chemtron Corporation for the above-mentioned services, based upon its proposal dated October 1, 2010, which contract shall be prepared by the Director of Law, shall provide that the compensation to Chemtron Corporation for the services authorized shall not exceed \$60,000.00 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 subconsultants by Chemtron Corporation is approved:

Subconsultant	Percentage	Amount
Precision Analytical, Inc.	2.5%	CSB/MBE \$1,500.00
Bradley Construction	2.5%	CSB/MBE \$1,500.00
The Vallejo Company	2.5%	CSB/MBE \$1,500.00
Jubilee Excavation	2.5%	CSB/MBE \$1,500.00

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Director Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 454-10.

By Director Smith.

Whereas, pursuant to Article 8 of the Agreement and Lease between the City of Cleveland and the Original Scheduled Airlines and the Additional Scheduled Airlines ("Scheduled Airlines"), and Board of Control Resolution No. 195-10, adopted May 19, 2010, the City through its Board of Control, adopted the 2010 Annual Budget and calculation of the Rentals and Landing Fee Rates effective January 1, 2010; and

Whereas, the City has determined it necessary to increase the Landing Fee Rates due to a decrease in the landing weight by the Scheduled Airlines; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Landing Fee Rates approved in Board of Control Resolution No. 195-10, adopted by this Board on May 19, 2010, are amended as follows effective October 1, 2010:

Landing Fee Rates:	Not to exceed
Signatory Landing Fee (per 1,000 lbs.)	\$4.65
Non-Signatory Scheduled Category A (per 1,000 lbs.)	\$5.81
Non-Signatory Scheduled Category B (per 1,000 lbs.)	\$6.98

Be it further resolved that all other terms of Resolution No. 195-10 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Director Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 455-10.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Independence Excavating, Inc., for the public improvement of renovating and upgrading the runway safety area for Runway 10-28, Phase II, at Cleveland Hopkins International Airport, base bid items plus Items A-1 and A-2, for the Department of Port Control, received on July 28, 2010 under the authority of Ordinance No. 589-09, as amended by Ordinance No. 498-10, passed by the Council of the City of Cleveland on June 1, 2009 and May 10, 2010, respectively, upon a unit basis for the improvement, in the aggregate amount of \$19,012,639.99, 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 Independence Excavating, Inc., is approved:

Subcontractor	DBE Percentage	Amount
Cook Paving & Construction Co., Inc.	0.04% DBE	\$ 8,000.00
Granger Trucking, Inc.	1.89% DBE	\$360,000.00
North Electric, Inc.	0.36% DBE	\$480,000.00
Rockport Construction & Materials, Inc.	2.52% DBE	\$ 70,000.00
Hi-Lite Markings, Inc.	0.77% Non DBE	\$148,000.00
Precision Pro-Cut, Inc.	0.03% Non DBE	\$ 6,000.00
Chagrin Valley Engineering, LTD	0.01% Non DBE	\$ 3,000.00

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Director Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 456-10.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on August 26, 2010 for Cleveland Public Auditorium Interior Door Improvements, for the Department of Parks, Recreation & Properties pursuant to the authority of Ordinance No. 684-08, passed by the Council of the City of Cleveland on July 2, 2008 are rejected.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Director Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 457-10.

By Director Rush.

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

Whereas, Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies to acquire certain properties owned by the Department of Housing and Urban Development (HUD) and Fannie Mae, each for a price determined as Fair Market Value, as part of the Land Reutilization Program; and

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 140-22-054 located at 3868 East 186 Street from HUD; Permanent Parcel No. 142-04-066 located at 4167 East 146 Street from HUD; Permanent Parcel No. 116-33-048 located at 18717 Ironwood Avenue from HUD; Permanent Parcel No. 023-15-057 located at 4484 West 149 Street from HUD; and

Whereas, Cuyahoga County Land Reutilization Corporation has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

Whereas, Section 183.024 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and with the prior written consent of the Council member(s) in whose ward the property acquired from HUD or Fannie Mae to be sold is located, to convey the property to purchasers for the public purpose of rehabilitation and/or resale for consideration established by the Board of Control at not less than fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel Nos. 140-22-054, 142-04-066, 116-33-048 and 023-15-057 together to Cuyahoga County Land Reutilization Corporation is established as \$1.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Director Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Flask.

Resolution No. 458-10.

By Director Nichols and Rush.

Whereas, under the authority of Ordinance No. 797-10, passed June 7, 2010, as amended by Ordinance No. 1044-10, passed August 18, 2010, and Ordinance No. 1364-10, passed October 18, 2010 by the Council of the City of Cleveland, the Directors of Economic Development and Community Development ("Directors") and the Commissioner of Purchases and Supplies ("Commissioner") are authorized to purchase certain property owned by the Borchert Fence Co., consisting of Permanent Parcel Nos. 124-20-012, 124-20-013, 124-20-065, and 124-20-066 (the "Borchert Property"), for a consideration that does not exceed fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 797-10, passed June 7, 2010, as amended by Ordinance No. 1044-10, passed August 18, 2010 and Ordinance No. 1364-10, passed October 18, 2010, by the Council of the City of Cleveland, the consideration for the purchase of the Borchert Property shall be \$100,000.00, which amount is determined to not exceed fair market value.

Be it further resolved by the Board of Control of the City of Cleveland that the Director of Community Development, the Director of Economic Development, and the Commissioner of Purchases and Supplies are authorized to execute all documents and do all other things necessary to effect the purchase of the Borchert Property.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Director Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Flask.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 22, 2010

9:30 A.M.

Calendar No. 10-201: 1663 Wayside Road (Ward 10)

Lakeitha Morgan, owner, appeals to change the use of a one family dwelling to a Type A Day Care located on a 40.01' x 132.30' parcel in a Two-Family District; subject to the limitations of Section 337.03, and by reference to Section 337.02(f)(3)(C), the proposed use must be no less than 30 feet from any adjoining premises in a residence district and requires public notice, hearing and approval by the Board of Zoning Appeals to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board, such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood.

Calendar No. 10-202: 1917 West 25th Street (Ward 3)

Tony and Nathmi Iwais, owners of a two-story commercial building on a 30' x 157' lot in a General Retail Business District, were granted a zoning variance in Calendar No. 02-372 to use first floor space for a restaurant with a condition for limited hours of operation from 11:00 AM to 9:00 PM and no hours on weekends. With supporting documentation submitted to the satisfaction of the Board, an application of res judicata is prevented and Appellants Iwais and prospective purchaser, Yashar Yildirim, appeal for a modification of the prior deci-

sion of the Board and to extend the restaurant hours of operation from 11:00 AM to Midnight, seven (7) days a week.

Calendar No. 10-204: 7101-03 Wade Park Avenue (Ward 7)

Moorad Rabah, owner, and Sidney Little, lessee, appeal to establish use as a motor vehicle sales facility on a 90' x 95.07' lot in a General Retail Business District contrary to Section 352.10 that requires a motor vehicle sales facility to provide a four foot wide landscaping strip where the use abuts the street and a ten foot wide landscape transition strip, with screening of at least 75 percent opacity to a height of six feet, where the proposed use abuts a residence district.

Calendar No. 10-205: 4910-16 Pearl Road (Ward 13)

Alexandros Bratsis, owner, and Gregory Glaros, lessee, appeal to change use from a restaurant to assembly/banquet space in an existing two-story mixed use building, located on a 94' x 189.03' corner lot in a Local Retail Business District; subject to the limitations of Section 343.01, the proposed use is not permitted and is first allowed in a General Retail Business District, provided that it is a distance of at least 500 feet from a residence district and has a parking area equal to three times the gross floor area, approximately 4,200 square feet, dedicated to the proposed use. Contrary to Section 349.04(e), the proposed parking serves other residential and retail uses of the building on the same lot and is not a dedicated 4,200 square feet of new parking area for the proposed change of use.

Calendar No. 10-209: 1030 East 62nd Street (Ward 7)

Dobb, Inc., owner, and Solomon Doibo appeal to change from a warehouse to a senior housing facility the use of an existing two-story building located on an 80' x 146.13' lot in an RA (Residential Attached) -2 District; subject to the limitations of Section 337.031, by reference as regulated in a One-Family District (Section 337.02(f)(3)(F)), the proposed substitution of a nonconforming use shall not be located less than 30 feet from a residence district and requires the Board of Zoning Appeals review and approval after a public hearing to determine that such substitution is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in daily hours or other period of use, in type or number of persons to occupy or to be attracted to the premises, or in any other characteristic of the new use as compared with the previous use as stated in Section 359.01(a) of the Cleveland Codified Ordinances.

Calendar No. 10-214: 7229 Carson Avenue (Ward 5)

Cuyahoga Metropolitan Housing Authority, owner, appeals to erect a one-story frame dwelling with an attached garage on a corner lot located in a Multi-Family District; contrary to the yard space requirements a rear yard depth of 5.82' is provided and 20 feet is required, in accordance with the provisions in Section 357.08 of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 8, 2010

At the meeting of the Board of Zoning Appeals on Monday, November 8, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-195: 3047 Prospect Avenue

Z3 Properties LLC appealed for a change of use from a fraternity house to offices in a General Retail Business District.

Calendar No. 10-196: 8101 Pulaski Avenue

Lorenzo Willis III, owner, and Nellie Williams and Tyrone Glass, tenants, appealed to change a mixed use building to a day care center in a Multi-Family District.

Calendar No. 10-197: 18132 Marcella Road

James Cvelbar appealed to erect a 17' x 37' frame garage barn in an A1 One-Family District; subject to condition.

Calendar No. 10-203: 11521 Clifton Boulevard

Robert and Cynthia Forest appealed to build an addition to a gas station and store in a Local Retail Business District.

Calendar No. 10-208: 12104 Brookfield Avenue

Rosetta Douglas appealed to erect a wheelchair ramp to the front of a one family dwelling in a One-Family District.

Calendar No. 10-163: 4931 State Road

Ioannis Vasilakis, owner, and Moises Quintana, tenant, appealed for a change of use from motor vehicle repair to motor vehicle major repair, audio sound system installation, in a General Retail Business District; with conditions.

Calendar No. 10-149: 2410 Scranton Road

Ed Schmidt appealed to display vehicles in the front yard setback at an existing used car sales lot in a Semi-Industry District; subject to conditions.

Calendar No. 10-192: 4724 West 130th Street

Vietnamese Buddhist Association appealed to install 348 linear feet of 5 feet high white flat top ornamental fence.

The following appeals were **Withdrawn:**

None.

The following appeal scheduled for November 15, 2010 was **Postponed:**

Calendar No. 10-207: 1001 Fairfield Avenue postponed to January 3, 2011.

The following appeals heard by the Board on November 1, 2010 were adopted and approved on November 8, 2010.

The following appeals were **Approved:**

Calendar No. 10-148: 3207 West 65th Street

Marc Wyman, d.b.a. Aaromet Metal Recycling appealed to install 6.6 foot high solid fence and to maintain an 8.9 foot high wall along the front yard of a lot in an Unrestricted Industry District.

Calendar No. 10-170: 17119 Lorain Avenue

Patrick Campbell appealed to expand a bar and restaurant to include the basement and second floor, live entertainment and a dance studio/school in a Local Retail Business District.

The following appeal was **Denied:**

Calendar No. 10-189: 1355 West 74th Street

Loretta Colyer appealed to install wood picket fence 4 feet high and 6 feet high in the front and side yards of a parcel in a Two-Family District.

Secretary

**REPORT OF THE BOARD
OF BUILDING STANDARDS
AND BUILDING APPEALS**

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, NOVEMBER 17, 2010

File No. 177-2010 — Gordon Square Fence Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 937-10, passed by the Council of the City of Cleveland, July 14, 2010.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, NOVEMBER 11, 2010 AT 3:00 P.M. THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

November 3, 2010 and November 10, 2010

WEDNESDAY, DECEMBER 1, 2010

File No. 178-2010 — City of Cleveland City Hall Office Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 485-07, 1163-08 and 1389-09, passed by the Council of the City of Cleveland, June 11, 2007, August 6, 2008 and September 21, 2009, respectively.

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, NOVEMBER 11, 2010 AT 1:00 P.M. THE BURKE LAKEFRONT AIRPORT, IN THE MAIN CONCOURSE, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

File No. 179-2010 — City of Cleveland Zelma Watson George Recreation Center HVAC Replacement, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 922-07, 1163-08 and 1176-08, passed by the Council of the City of Cleveland, July 11, 2007, August 6, 2008 and November 10, 2008, respectively.

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, NOVEMBER 11, 2010 AT 2:00 P.M. THE BURKE LAKEFRONT AIRPORT, IN THE MAIN CONCOURSE, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

File No. 180-2010 — Glenville and Seville Streets Service Facilities Fence Replacement, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1724-09, passed by the Council of the City of Cleveland, February 10, 2010.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, NOVEMBER 10, 2010 AT 10:00 A.M. DIVISION OF ARCHITECTURE, CLEVELAND CITY HALL, ROOM 517, CONFERENCE ROOM, CLEVELAND, OHIO 44114.

File No. 181-2010 — Labor and Materials to Install, Maintain and Repair a System to Electronically Track the Mobile Assets of the Various Divisions of City Government, for the Divisions of City Government, Department of Finance, as authorized by Ordinance No. 538-09, passed by the Council of the City of Cleveland, May 4, 2009.

THERE WILL BE A **MANDATORY** PRE-BID MEETING TUESDAY, NOVEMBER 16, 2010 AT 2:30 P.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKE-

SIDE AVENUE, CLEVELAND, OHIO 44114.

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

November 3, 2010 and November 10, 2010

FRIDAY, DECEMBER 3, 2010

File No. 182-2010 — Snow Removal of Service, for the Divisions of Cleveland Public Power, Department of Public Service, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, NOVEMBER 12, 2010 AT 2:30 P.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 3, 2010 and November 10, 2010

THURSDAY, DECEMBER 2, 2010

File No. 185-2010 — City of Cleveland Public Safety Building Roof Replacement, for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 888-06 and 781-09, passed by the Council of the City of Cleveland, August 9, 2006 and June 5, 2009, respectively.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, NOVEMBER 19, 2010 AT 10:00 A.M. CLEVELAND CITY HALL, THE DIVISION OF ARCHITECTURE, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 187-2010 — Labor and Materials Necessary to Maintain and Repair Pump Stations (Re-Bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, NOVEMBER 19, 2010 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

November 10, 2010 and November 17, 2010

FRIDAY, DECEMBER 3, 2010

File No. 183-2010 — Cleveland Memorial Gardens, Phases 2B and 2C, for the Division of Research, Plan-

ning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 452-08, passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, NOVEMBER 18, 2010 AT 10:00 A.M. THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

November 10, 2010 and November 17, 2010

WEDNESDAY, DECEMBER 8, 2010

File No. 184-2010 — Department of Parks, Recreation and Properties West Side Market Facility Upgrades, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 489-07, passed by the Council of the City of Cleveland, June 4, 2007.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING

THURSDAY, NOVEMBER 18, 2010 AT 1:00 P.M. THE DEPARTMENT OF PARKS, RECREATION AND PROPERTIES, WESTSIDE MARKET FACILITY UPGRADES, 1970 WEST 25TH STREET, CLEVELAND, OHIO 44114.

November 10, 2010 and November 17, 2010

THURSDAY, DECEMBER 16, 2010

File No. 186-2010 — Brecksville Tower Re-Chlorination System Project No. 582, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 810-08, passed by the Council of the City of Cleveland, June 5, 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 PRE-BID MEETING TUESDAY, NOVEMBER 23, 2010 AT 10:00 A.M. THE PUBLIC UTILITIES AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 10, 2010 and November 17, 2010

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, November 8, 2010 9:00 a.m.

Public Parks, Property and Recreation & Public Service Committees: Present in Parks: K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Dow, Polensek. *Authorized Absence:* Cimperman, Reed. Pro tempore: Cummins, Miller.

Present in Service: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Sweeney. *Authorized Absence:* Pruitt. Pro tempore: Brancatelli.

11:30 a.m.

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

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

Tuesday, November 9, 2010 9:30 a.m.

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

Wednesday, November 10, 2010 9:00 a.m.

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

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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