

The City Record

Official Publication of the Council of the City of Cleveland



October the Thirteenth, 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

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	5
Board of Zoning Appeals	5
Board of Building Standards and Building Appeals	6
Public Notice	6
Public Hearings	6
City of Cleveland Bids	6
Adopted Resolutions and Ordinances	7
Committee Meetings	17
Index	17



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, Interim Director, Office 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 – John Christopher Nielson, 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. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman _____, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

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, _____, 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; Councilman _____.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director _____; 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 EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member _____, Ed Romero.

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, Verne 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, OCTOBER 13, 2010

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CITY COUNCIL

MONDAY, OCTOBER 11, 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.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 6, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 6, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

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. 413-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of J. C. Ehrlich Co., Inc. dba Rentokil Pest Control for an estimated quantity of extermination services, all items, for various divisions of City government, for a period of two years, beginning with the date of execution of the contract, received on August 25, 2010, under the authority of Section 181.101 of the Codified

Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$89,548.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of not less than \$4,477.40.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

Resolution No. 414-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Industrial Security Service, LLC, for an estimated quantity of unarmed uniformed security services, groups a and b, all items, for various divisions of City government, for a period of two years starting upon execution of the contract or the day following expiration of the currently effective contract for the goods and/or services, received on August 25, 2010, under the authority of Ordinance No. 893-10, passed Cleveland City Council on July 14, 2010, which on the basis of the estimated quantity would amount to \$2,645,585.10, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$132,279.26.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Industrial Security Service, LLC for the above-mentioned services is approved:

R-Cap Security
CSB/MBE/FBE
21.432% — \$575,348.80

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

Resolution No. 415-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Terrace Construction Co., Inc. for the public improvement of constructing and repairing catch basins and manholes at various locations, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on July 23, 2010, under the authority of Section 129.291 of Codified Ordinances of Cleveland, Ohio, 1976, upon a unit basis for the improvements to be performed as ordered during the period of one (1) year starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$391,204.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a public improvement by requirement contract for the improvement, which contract shall provide for an initial order for performance of work, the cost of the initial order shall be certified to the contract in an amount not less than \$200,000.00.

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

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

SUBCONTRACTOR CSB/MBE/FBE WORK

Vallejo Co. CSB/MBE
\$65,400.00 (16.718%)

Rockport Construction CSB/FBE
\$52,000.00 (13.292%)

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

Resolution No. 416-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 4, 2010 for laboratory services for protozoa and biological analysis, for the Divi-

sion of Water, Department of Public Utilities under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

Resolution No. 417-10.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on July 29 2010 for City of Cleveland Recreation Center Improvements — Package #1, Base Bid Item C (Zelma Watson George Recreation Center HVAC Modifications) for the Department of Parks, Recreation & Properties pursuant to the authority of Ordinance Nos. 922-07, 1163-08 and 1176-08, passed by the Council of the City of Cleveland on July 11, 2007, August 6, 2008 and November 10, 2008 are rejected.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

Resolution No. 418-10.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on August 5, 2010 for City of Cleveland Public Safety Buildings Roof replacement Package for the Department of Parks, Recreation & Properties pursuant to the authority of Ordinance Nos. 886-06 and 781-09, passed by the Council of the City of Cleveland on August 9, 2006 and June 1, 2009, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

Resolution No. 419-10.

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, City has acquired Permanent Parcel Nos. 116-09-001, 116-09-003, 116-09-044 and 116-09-045 located at Saranac Road under the Land Reutilization Program; and

Whereas, Ordinance No. 1261-10 passed September 20, 2010, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Ishmael Pettigrew has proposed to the City to purchase and develop the parcels for rehabilitation of former auto garage for retail; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1261-10 passed September 20, 2010, by

the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Ishmael Pettigrew for the sale and development of Permanent Parcel Nos. 116-09-001, 116-09-003, 116-09-044 and 116-09-045, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$10,000.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

Resolution No. 420-10.

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. 117-10-039, located at 1638 Catalpa Road, from HUD; and

Whereas, Cathy White 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 No. 117-10-039 to Cathy White is established as \$375.00, 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, Acting Directors Butler, H. Smith, Director Cox, Acting Director Wilbur, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 25, 2010

9:30 A.M.

Calendar No. 10-183: Violation Notice 2401 Meyer Avenue (Ward 14)
Michael Ferrante, owner, and Leoncio Espinal, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Department of Building and Housing on September 2, 2010 for failure to comply with Section 327.02(b) and (c) regarding use of the premises for an auto repair garage and a violation of the Sign Regulations under Section 350.04 of the Cleveland Codified Ordinances.

Calendar No. 10-187: 11400 Euclid Avenue (Ward 9)
Case Western Reserve University, owner, and the Museum of Contemporary Art, prospective lessee, appeal to construct a 4-story museum on the northeast corner of Euclid Avenue and Mayfield Road in a General Retail Business District; subject to the limitations of Section 357.13 a facade projection over the property line is not a permitted front yard encroachment; and pursuant to Section 349.17, off-street loading docks shall not be less than 50 feet back from the building line along the street on which they face and no less than 80 feet from the center line of the street; one parking space is required for each four employees, plus one for each 1200 square feet of gross floor area in accordance with Section 349.04(e) of the Cleveland Codified Ordinances.

Calendar No. 10-188: 4129 East 169th Street (Ward 1)

Marvin Johnson, Jr., owner, appeals to erect a 21' x 26' one-story frame room addition between an existing one family dwelling and garage on a 49' x 120' lot in an A1 One-Family District; contrary to yard space requirements, 11 feet is provided where the rear yard depth shall not be less than 16 feet to comply with height of the main building and Section 357.08(b)(1) of the Cleveland Codified Ordinances.

Calendar No. 10-191: 12645 Lorain Avenue (Ward 17)

The Salvation Army, owner, appeals to construct a one-story addition and a parking lot on consolidated lots located in General Retail Business and One Family districts; contrary to the area requirements of Sections 357.05(b)(1) and (2) parking is proposed in the required setback area, where on the rear third of a corner lot in residence or local retail districts where the rear lot line abuts a residence district, the building line shall be not less than 10 feet back from the side street line and on the rear of a corner lot where the rear lot line is also the side line of the butt lot or the boundary line of an alley between them and a setback building line is established for the butt lot, no building shall be erected nearer to the side street than the setback building line of the butt lot, provided that for each foot the building on the corner lot sets in from the rear lot line, it may be set one foot nearer to the side street line; and contrary to Section 343.18(d) a driveway width of 38 feet is proposed and the maximum width of a driveway is 30 feet measured at right angles to the angle of the driveway entrance.

Calendar No. 10-192: 4724 West 130th Street (Ward 18)

Vietnamese Buddhist Association, owner, appeals to install approximately 348 linear feet of 6 foot high privacy fence in actual side and rear yards and 172 linear feet of 6 foot high ornamental fence in the actual front yard of a 120.14' x 140' lot in a General Retail Business District, where fences in the actual front yard may not exceed 4 feet in height according to Section 358.04(a) of the Cleveland Codified Ordinances.

Calendar No. 10-193: 13400 Sherry Avenue (Ward 18)

Timothy Gorey, owner, appeals to install 60 linear feet of 6 foot high vinyl privacy, fence setback one foot from the side street yard property line of a 45' x 125' parcel in a One-Family District, where fences in the side street yard shall not exceed 4 feet in height and shall be at least 50 percent open according to Section 358.04(a) of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, OCTOBER 12, 2010

At the meeting of the Board of Zoning Appeals on Tuesday, October 12, 2010, the following appeals were heard by the Board.

The following appeal was **Approved:**

Calendar No. 10-174: 3849 West 25th Street

WHS Realty Services, Inc., owner, and Happy's Pizza Holdings LLC, prospective purchaser, appealed to establish use as a restaurant in an existing building on a corner lot in a Local Retail Business District.

The following appeal was **Dismissed:**

Calendar No. 09-60: 1970 Carter Road
Carter Peninsula Inc. and City of Cleveland Department of Port Control submitted a Joint Stipulation and Voluntary Dismissal of Appeal.

The following appeals were **Withdrawn:**

None

The following appeals were **Postponed:**

Calendar No. 10-166: 4594 Rocky River Drive postponed to December 6, 2010.

Calendar No. 10-167: 4600 Rocky River Drive postponed to December 6, 2010.

Calendar No. 10-168: 4568 Rocky River Drive postponed to December 6, 2010.

Calendar No. 10-170: 17119 Lorain Avenue postponed to November 1, 2010.

The following appeals heard by the Board on October 4, 2010 were adopted and approved on October 12, 2010.

The following appeals were **Approved:**

Calendar No. 10-154: 4702 Memphis Avenue

Badah Holdings LLC appealed for an addition, expansion, of use a store to include a drive through and a gas station in a Local Retail Business District; subject to conditions.

Calendar No. 10-159: 4323 State Road
Zoran Milosavljevic appealed to expand use to include a woodworking shop at the rear of a two-story four dwelling unit building in a General Retail Business District.

Calendar No. 10-160: 4834 Broadview Road

Lisa Jafari appealed to erect a double faced, wooden identification ground sign in the front yard of a two-story day care building in a Multi-Family District.

Calendar No. 10-146: 3500 Payne Avenue

Rose Strauss Family Ltd Partnership appealed to change use of a second floor in a four-story building from storage to office in a Semi-Industry District.

The following appeal was **Denied:**

Calendar No. 10-161: Appeal of JAG Drywall LLC

JAG Drywall appealed from a denied appeal of an application for certification as a Cleveland Small Business in the Cleveland Area Business Program by the Office of Equal Opportunity.

A Motion for Rehearing was granted for the following appeal heard by the Board on October 4, 2010:

Calendar No. 10-163: 4931 State Road Ionnis Vasilakis, owner, and Moises Quintant, 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.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, OCTOBER 22, 2010

File No. 158-2010 — Briggs/West 103 Street Sewer Relief Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 595-10, passed by the Council of the City of Cleveland, June 7, 2010.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, OCTOBER 15, 2010 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

File No. 160-2010 — HVAC/R Supplies and Equipment, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, OCTOBER 15, 2010 AT 2:30 P.M. THE CLEVELAND CITY HALL, THE CUSTODIAN'S OFFICE, ROOM 12, CONFERENCE ROOM, CLEVELAND, OHIO 44114.

October 6, 2010 and October 13, 2010

WEDNESDAY, OCTOBER 27, 2010

File No. 159-2010 — Lumber (Re-Bid) 2010, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 592-10, passed by the Council of the City of Cleveland, May 24, 2010.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, OCTOBER 22, 2010 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CLEVELAND, OHIO 44114.

October 6, 2010 and October 13, 2010

THURSDAY, OCTOBER 28, 2010

File No. 156-2010 — City of Cleveland Recreation Centers Improvements Package #2, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 922-07, 1163-08 and 1176-08, passed by the Council of the City of Cleveland, July 11, 2007, August 6, 2008 and November 14, 2008, respectively.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, OCTOBER 14, 2010 AT 2:00 P.M. THE BURKE LAKE-

FRONT AIRPORT, IN THE MAIN CONCOURSE, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114. THE PROJECT SITES SHALL BE MADE AVAILABLE FOR INSPECTION BY BIDDERS ON MONDAY, OCTOBER 18, 2010 AT THE FOLLOWING TIMES: GLENVILLE - JAMES HUBBARD RECREATION CENTER FROM 11:00 A.M. TO 12:00 NOON; LONNIE BURTEN RECREATION CENTER FROM 1:00 P.M. TO 2:00 P.M.; AND EARLE B. TURNER RECREATION CENTER FROM 2:30 P.M. TO 3:30 P.M.

October 6, 2010 and October 13, 2010

WEDNESDAY, NOVEMBER 10, 2010

File No. 161-2010 — Electrical Distribution Enhancement, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by pending ordinances.

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, OCTOBER 22, 2010 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 6, 2010 and October 13, 2010

THURSDAY, NOVEMBER 4, 2010

File No. 167-2010 — Former Fifth Church of Christ Building Stabilization, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1187-10, passed by the Council of the City of Cleveland, September 13, 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 FRIDAY, OCTOBER 22, 2010 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, THE DIVISION OF ARCHITECTURE, ROOM 517, CLEVELAND, OHIO 44114.

October 13, 2010 and October 20, 2010

FRIDAY, NOVEMBER 12, 2010

File No. 164-2010 — Large Water Meters, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY** PRE-BID MEETING THURSDAY, OCTOBER 21, 2010 AT 11:00 A.M.

THE CARL B. STOKES PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 165-2010 — Small Water Meters, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 21, 2010 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

October 13, 2010 and October 20, 2010

THURSDAY, NOVEMBER 18, 2010

File No. 163-2010 — Neutralization Chemicals, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 29, 2010 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 166-2010 — Sodium Hypochlorite Solutions, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 29, 2010 AT 3:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 13, 2010 and October 20, 2010

WEDNESDAY, JANUARY 12, 2011

File No. 162-2010 — Consolidated Maintenance Facility Phase IIIA Oil Water Separator and Wash Pit WBS No. A1-H211-3, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 904-09 passed by the Council of the City of Cleveland, November 9, 2009.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) 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, OCTOBER 27, 2010 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 13, 2010 and October 20, 2010

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1287-10.

By Council Member Sweeney (by departmental request).

An emergency resolution accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2011; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part is outside the 10-mill tax limitation; 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 the amounts and rates as determined by the Budget Commission in its certification are accepted.

Section 2. That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

**SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY
TAX APPROVED BY BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATE TAX RATES**

Fund	Amount to be Derived From Levies Outside 10-Mill Limitation Column II	Amount Approved By Budget Commission Inside 10-Mill Limitation Column IV	County Auditor's Estimate of Tax Rate To Be Levied	
			Inside 10-Mill Limitation Column V	Outside 10-Mill Limitation Column VI
GENERAL FUND			----	7.75
BOND RETIREMENT FUND			4.35	----
POLICE PENSION FUND			----	0.30
FIRE PENSION FUND			<u>0.05</u>	<u>0.25</u>
TOTAL			<u>4.40</u>	<u>8.30</u>

Section 3. That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

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

Adopted October 4, 2010.

Effective October 4, 2010.

Res. No. 1334-10.
By Council Member Reed.
An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 9102 Aetna Road and repealing Resolution No. 1090-10, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 9102 Aetna Road by Resolution No. 1090-10 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 D5 Liquor Permit to Tyson Mitchell, DBA Libations Lounge, 9102 Aetna Road, Cleveland, Ohio 44102, Permanent Number 6061800, be and the same is hereby withdrawn and Resolution No. 1098-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 4, 2010.

Effective October 7, 2010.

Res. No. 1335-10.
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. 1098-10, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3744 East 144th Street by Resolution No. 1098-10 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 C2 and C2X Liquor Permit to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent

Number 5202187, be and the same is hereby withdrawn and Resolution No. 1098-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 4, 2010.

Effective October 7, 2010.

Ord. No. 653-10.
By Council Members Cimperman, K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to amend the lease agreement between the City of Cleveland and Nehst Creations, LLC to extend the lease term up to an additional year and to make other changes to allow access to certain portions of the Public Auditorium and Convention Center Garage, for film production purposes.

Whereas, under Ordinance No. 1617-08, passed November 17, 2008, this Council authorized the Director of Parks, Recreation and Properties to enter into a lease agreement with Nehst Creations, LLC to use and occupy space located in the Public Auditorium, and up to 36 parking spaces in the Convention Center Garage for motion picture production purposes; and

Whereas, the General Assembly adopted motion picture tax credit legislation; and

Whereas, both the City of Cleveland and Nehst Creations, LLC desire to amend the lease agreement to extend the lease for up to one year on a month to month basis and to make other changes as determined by the Director of Parks, Recreation and Properties; 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 an amendment to the lease agreement between the City of Cleveland and Nehst Creations, LLC to extend the term of the lease for up to an additional one-year period on a month-to-month basis and to make such other changes to the lease as the Director deems necessary.

Section 2. That the amendment to the lease agreement authorized by this ordinance shall be prepared by the Director of Law and shall contain such additional terms and conditions as he deems necessary to protect and benefit the public interest.

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

Passed October 4, 2010.

Effective October 7, 2010.

Ord. No. 654-10.
By Council Members Cimperman, K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property in the Cleveland Municipal Parking Lot to The Cleveland Clinic Foundation for the purpose of parking, for a term not to exceed sixty months.

Whereas, the City of Cleveland owns certain property known as the Cleveland Municipal Parking Lot, a portion of which is not needed for public use; and

Whereas, The Cleveland Clinic Foundation has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to The Cleveland Clinic Foundation ("Lessee"), certain property which is not needed for public use for the term of the lease: not to exceed 1,000 parking spaces in the Cleveland Municipal Parking Lot (east) located on the south side of the Cleveland Shoreway on South Marginal Road, more fully described on the map placed in File No. 654-10-A.

Section 2. That the term of the lease authorized by this ordinance shall not exceed sixty months.

Section 3. That the property described above shall be leased at a rental of not to exceed \$60.00 per space per month which is determined to be fair market value.

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 and shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Parks, Recreation and Properties, 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.

Passed October 4, 2010.

Effective October 7, 2010.

Ord. No. 814-10.
By Council Member Cimperman.
An ordinance to amend Sections 337.02 and 337.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to urban agriculture; and to supplement the codified ordinances by enacting new Section 337.25, relating to agricultural uses in residential districts.

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 337.02, as amended by Ordinance No. 1829-95, passed December 18, 1995, and

Section 337.23, as amended by Ordinance No. 1811-00, passed February 12, 2001,

are amended to read as follows:

Section 337.02 One-Family Districts

In a One-Family District, the following buildings and uses and their accessory buildings and uses are permitted:

(a) Dwelling houses, each occupied by not more than one family and not more than two roomers or boarders.

(b) Playgrounds, parks.

(c) The extension of existing cemeteries.

(d) Railroad rights of way, not including switching, storage or freight yards or industrial sidings.

(e) Agricultural uses, subject to the regulations of Section 337.25 and Section 347.02.

(f) The following buildings and uses, if located not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose:

(1) Churches and other places of worship, but not including funeral chapels or mortuary chapels.

(2) Telephone exchanges and static transformer stations, provided there is no public business office or any storage yard or storage building operated in connection therewith.

(3) Bus turn-around and layover areas operated by a public transit agency provided that no buildings other than a passenger shelter and restroom are located at each site, and provided, further, that any layover space accommodates no more than two buses.

(g) The following buildings and uses, if approved by the Board of Zoning Appeals after public notice and public hearing, and 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:

(1) A temporary or permanent use of a building by a nonprofit organization for a dormitory, fraternity or sorority house, for the accommodation of those enrolled in or employed by an educational institution permitted in the District.

(2) Fire stations, police stations.

(3) The following buildings and uses, if located not less than thirty feet from any adjoining premises in a Residence District not used for a similar purpose, and subject to the review and approval of the Board of Zoning Appeals as stated above:

A. Public libraries or museums, and public or private schools or colleges including accessory laboratories, provided such private schools or colleges are not conducted as a gainful business.

B. Recreation or community center buildings, parish houses and grounds for games and sports, except those of which a chief activity is one customarily carried on primarily for gain.

C. Day nurseries, kindergartens.

D. Hospitals, sanitariums, nursing, rest or convalescent homes, not primarily for contagious diseases nor for the care of drug or liquor patients, nor for the care of the insane or developmentally disabled.

E. Orphanages.

F. Homes for the aged or similar homes.

G. Charitable institutions not for correctional purposes.

(4) The following buildings and uses, if located not less than fifty feet from adjoining premises in a Residence District not used for a similar purpose, and subject to the review and approval of the Board of Zoning Appeals as stated above.

A. Municipal recreation buildings.

B. Municipal swimming pools.

(5) Crematories in existing cemeteries, provided they are not less than 300 feet from any boundary that abuts a Residence District, and subject to the review and approval of the Board of Zoning Appeals as stated above.

Section 337.23 Accessory Uses in Residence Districts

(a) *Permitted Accessory Uses.* The following accessory uses and buildings are permitted in a Residence District. Such permitted accessory buildings shall be located on the rear half of the lot, a minimum of eighteen inches from all property lines and at least ten feet from any main building on an adjoining lot in a Residence District. Accessory buildings shall not occupy more than forty percent (40%) of the area of the required rear yard and, in the case of a corner lot, shall be located back of any required setback or specific building line. For side street yard regulations consult Sections 357.05 to 357.07.

(1) Within a main building, the office of a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person residing in such main building and employing in the office not more

than one nonresident office or laboratory assistant.

(2) Customary home occupation for gain carried on in the main building or in a rear building accessory thereto and requiring only customary home equipment; provided that no nonresident help is employed for that purpose, no trading in merchandise is carried on and no personal physical service is performed and, in a Limited One-Family District or in a One-Family District, no sign or other outward evidence of the occupation is displayed on the premises.

(3) Agricultural uses, subject to the regulations of Section 337.25 and Section 347.02 regarding the keeping of farm animals.

(4) Private incinerators for the burning of refuse and garbage produced on the same premises, provided that the construction is such as to assure immediate and complete combustion and freedom from offensive smoke, ash, unburned particles and odors, and a permit therefor is granted by the Commissioner of Environment.

(5) Fences and walls, as regulated in Chapter 358.

(6) Garages and parking spaces for the occupants of the premises and, when the premises are used for other than residence purposes, for their employees, patrons and guests.

A. In a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed 650 square feet unless the lot area exceeds 4,800 square feet in which event the floor area may be increased in the ratio of one square foot for each twelve square feet of additional lot area.

B. In Multi-Family Districts, garages and parking spaces erected or established as accessory uses shall be subject to the restrictions specified in Sections 343.19 to 343.21 and Chapter 349.

(7) Garage Sale or other Residential Property Sales, as defined in Section 676B.01(a), as long as they conform to the provisions in Chapter 676B.

(8) Signs permitted in accordance with the requirements of Chapter 350.

(9) Any other accessory use customarily incident to a use authorized in a Residence District except that no use prohibited in a Local Retail Business District shall be permitted as an accessory use.

(b) *Accessory Building Erected Prior to Erection of Main Building.* An accessory building may be erected prior to the construction of the main building only if:

(1) The accessory building is erected on the rear half of the lot.

(2) The accessory building is so placed as not to prevent the practicable and conforming location of the main building.

(3) The main building is completed within two (2) years from the date of issuance of the permit for the accessory building.

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

Section 337.02, as amended by Ordinance No. 1829-95, passed December 18, 1995, and

Section 337.23, as amended by Ordinance No. 1811-00, passed February 12, 2001,

are repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 337.25 to read as follows:

Section 337.25 Agricultural Uses in Residential Districts

Agricultural uses in Residential Districts shall be subject to the following regulations and the regulations of Sections 347.02 and 205.02 regarding the keeping of farm animals.

(a) *Permitted Accessory Structures.* In addition to fences, as regulated in paragraph (b) of this section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, coops, cages, beehives, hoop-houses, cold frames, barns, rain barrels, composting, farm stands as regulated in paragraph (d) of this section, and similar structures not exceeding fifteen (15) feet in height.

(b) *Fences.* Fences for agricultural uses shall be permitted in accordance with the regulations applicable to fences in Residential Districts, except that the following regulations shall apply where an agricultural use is the principal use in a Residential District.

(1) *Front Yard and Other Street Yard.* A fence located in a required front yard, side street yard or other street yard, shall not exceed four (4) feet in height and shall be either ornamental or black or dark green, vinyl-coated chain link.

(2) *Other Locations.* A fence located at or behind the setback line of a required front yard or other street yard shall not exceed six (6) feet in height and shall be either ornamental or chain link. Any open lot area between a fence and a street line shall be planted with grass or other vegetation.

(c) *Setbacks for Structures.* No permitted accessory structures to an agricultural use, other than fences and farm stands, shall be located in a required front yard or side street yard area line or within eighteen (18) inches of an interior side or rear lot line.

(d) *Farm Stands and Sale of Produce.* The sale of produce and the placement of farm stands shall be permitted only in accordance with the following regulations.

(1) *Sale of Produce.* Where such sales have been permitted by the Board of Zoning Appeals, agricultural products, plants, eggs and honey grown or produced on a property or within 1,000 feet of the subject property may be sold on the premises of an agricultural use in a Residential District if the agricultural use is the only use of the subject property or occupies at least seventy-five percent (75%) of the property or at least 4,000 square feet. In addition, foods prepared on site or off site may be sold if the principal ingredients are grown or produced on the subject property or within 1,000 feet of the subject property. No sales shall be made before 8 a.m. or after dusk. Food sales shall be licensed by the Cleveland Department of Public Health if such licensing is required in the City's Codified Ordinances.

(2) *Farm Stands.* Where a farm stand has been permitted by the Board of Zoning Appeals, any such farm stand located in a required front yard area in a One-Family or Two-Family District shall be removed from the front yard or stored inside a building on the premises during that time of the year when the garden or farm is not open for public use. Farm stands shall not occupy more than two percent (2%) of the subject property's

land area and, in One-Family and Two-Family Districts, farm stands also shall not exceed 200 square feet in area on the subject property. A farm stand shall be set back at least eighteen (18) inches from any lot line.

(3) *Board of Zoning Appeals Approval.* No agricultural produce or related products may be sold from the property of an agricultural use and no farm stand for the sale of such products may be located on the property unless the Board of Zoning Appeals determines, after public notice and public hearing, that the farm stand and sales will meet a community need without adversely affecting the neighborhood. In making this determination, the Board shall consider, among others, the following factors:

A. the nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales,

B. the proximity of the farm stand to one-family and two-family houses,

C. traffic volumes on the street on which the subject property is located,

D. the availability of off-street or on-street parking to serve the farm stand use,

E. the proximity of other farm stands serving the immediate area, and

F. the maintenance of a substantially unobstructed view in the setback area which shall include a clear view through the farm stand above a height of three feet.

(e) *Signs.* Where an agricultural use is the principal use in a Residential District or occupies at least seventy-five percent (75%) of the property or at least 4,000 square feet, one sign shall be permitted on each street frontage identifying the agricultural use and listing hours of operations for market sales and contact information. Such sign shall not exceed four (4) square feet in area and, if freestanding, shall not exceed three (3) feet in height and shall be set back at least five (5) feet from all property lines unless the sign is placed on a permitted farm stand. No signs shall be permitted for an agricultural use that is an accessory use in a Residential District.

(f) *Composting.* Composting may be conducted on the premises of an agricultural use if limited to use on the subject property and if stored in a manner that controls odor, prevents infestation and minimizes runoff into waterways and onto adjacent properties.

(g) *Maintenance.* Any land devoted to agricultural use shall be well-maintained and shall be free of excessively tall weeds or grass. All accessory structures to an agricultural use shall also be well maintained.

(h) *Building Permits.* No Building Permit or Certificate of Occupancy shall be required for establishment of an agricultural use. A Building Permit shall be required for installation of a fence or for construction of a barn or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops, beehives or similar structures that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No farm stand shall be installed without issuance of a Building Permit.

The application for such Permit shall include the name, address and phone number of the operator of the farm stand; the length, width and height of the farm stand; a description of the type of produce to be sold from the farm stand; and the name of the property owner. If the applicant is not the property owner, the applicant shall include with the Permit application a written statement from the property owner authorizing the applicant to install and operate the farm stand.

(i) *Definitions.* As used in this section:

(1) "farm stand" means a temporary structure used for display or sale of produce as described in division (d)(1) of this section and that meets the requirements of this section.

(2) "subject property" refers to a parcel of land or two or more adjacent parcels of land in agricultural use.

Section 2. That this shall take effect and be in force from and after the earliest period allowed by law.

Passed October 4, 2010.

Effective November 3, 2010.

Ord. No. 874-10.

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

An emergency ordinance determining the method of making the public improvement of installing emergency electrical upgrades and power feeds to Main Substations #1 and #2 at Cleveland Hopkins International Airport including installing emergency generators and other improvements; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvement; and to enter into various written standard purchase and requirement contracts necessary for the improvement, for a period of two years with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Whereas, the unique design, time, budgetary, or other material elements of this project can benefit from the special care, coordination, and expeditiousness possible by performance of both the professional design services and the construction under a design-build approach contract with a single entity; and

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing emergency electrical upgrades and power feeds to Main Substations #1 and #2 and associated appurtenances at Cleveland Hopkins International Airport, including installing emergency generators and other improvements (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construc-

tion costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, and the other objectives of the Improvement.

The selection of the person, firm, or corporations to design and construct the Improvement shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Port Control after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That, alternatively, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement described above, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

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

Section 3. That, alternatively, the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assess the needs and potential deficiencies of critical and emergency electrical loads, equipment, emergency generators, and infrastructure at Cleveland Hopkins International Airport, to recommend improvements, to design the accepted improvements, to provide resident engineering and construction management services related to the Improvements, to provide any necessary quality control and quality assurance services; and regulatory compliance services.

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

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of Cod-

ified Ordinances of the City of Cleveland, the Director of Port Control is authorized to execute all documents and pay all fees necessary to acquire any real estate interests needed for the Improvement.

Section 5. That the Director of Port Control is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 6. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period of two years, with two one-year options to renew, for the necessary items of materials, equipment, supplies, and services necessary to construct the Improvement, including labor and materials if necessary for installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 7. That the costs of the requirement contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 8. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 9. That the cost of the Improvement and other expenditures authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 129, 60 SF 130, 60 SF 300, passenger facility charges if authorized, the fund or funds to which are credited the proceeds of any airport revenue bonds issued or grant funds credited for the purpose of this ordinance, Request No. RQS 3001 RL 2010-116.

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

shall take effect and be in force from and after the earliest period allowed by law.

Passed October 4, 2010.

Effective October 4, 2010.

Ord. No. 889-10.
By Council Members Cleveland, Mitchell and Sweeney (by departmental request).

An ordinance to amend Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1809-03, passed December 1, 2003, relating to pedestrian retail overlay (PRO) districts.

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

Section 1. That Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1809-03, passed December 1, 2003, is amended to read as follows:

Section 343.23 Pedestrian Retail Overlay (PRO) District

(a) *Purpose.* The Pedestrian Retail Overlay (PRO) District is established to maintain the economic viability of older neighborhood shopping districts by preserving the pedestrian-oriented character of those districts and to protect public safety by minimizing conflicts between vehicles and pedestrians in neighborhood shopping districts.

(b) *Mapping.* The PRO District is an overlay district which shall be mapped only in an area where at least seventy five (75%) of the underlying zoning is either Local Retail or General Retail. In every PRO District, any street frontage to be considered a "Pedestrian Retail Street Frontage," as defined in this section, shall be marked on the Zoning Map, with either one or both sides of a street designated as such.

(c) *Applicability.* The PRO District regulations shall apply only in those portions of a PRO District in which the underlying zoning is either Local Retail or General Retail. In the relevant portions of a PRO District, the regulations of the underlying zoning district shall govern except where in conflict with the regulations of the PRO District, in which case the regulations of the PRO District shall govern.

(d) *Definitions.* As used in this section, the following terms shall be defined as stated below:

(1) "*Pedestrian Retail Street Frontage*" means that side or sides of a public street frontage where pedestrian-oriented retail shopping activity exists or is expected to exist and such street frontage is specifically designated on the Zoning Map.

(2) "*Pedestrian Retail Space*" means that portion of a building or property located at or closest to the level of the public sidewalk and within forty (40) feet of a Pedestrian Retail Street Frontage.

(3) "*Open Sales Lot*" means a property or portion of a property used for the sale of merchandise stored in outdoor, unenclosed locations.

(4) "*Institutional Use*" means, for purposes of this section, a school, day care center, place of worship, place of assembly, hospital, nursing home, residential treatment facility, or similar use.

(5) "*Non-Retail Office*" means an office use whose primary activity does not involve service to customers or clients on the premises.

(e) *Use Regulations.* All uses permitted in the underlying retail zoning district shall be permitted in the PRO District, except that the use of Pedestrian Retail Spaces, as defined in this section, shall be further limited as follows.

(1) *Prohibited Uses.* For Pedestrian Retail Spaces, as defined in this section, the following uses shall be prohibited:

A. open sales lots, as defined in this section;

B. filling and service stations;

C. car washes;

D. a driveway or driveways providing the only vehicular access to or from a drive-through facility.

(2) *Conditional Uses.* For Pedestrian Retail Spaces, as defined in this section, the following uses shall be permitted as Conditional Uses, as approved by the City Planning Commission under the approval criteria provided in this section:

A. off-street parking or loading areas;

B. driveways extending across a public sidewalk;

C. residential, institutional and non-retail office uses, as defined herein, except that ground-floor entrances and lobbies serving such uses located on upper floors or in a basement level shall be permitted without the requirement for conditional approval;

D. any building-enclosed use that does not have a public pedestrian entrance from the Pedestrian Retail Street Frontage;

E. any use with more than forty (40) feet of frontage along the Pedestrian Retail Street Frontage;

F. a building with an interior side yard more than four (4) feet in width and located within forty (40) feet of a Pedestrian Retail Frontage.

(f) *Criteria for Conditional Uses.* The City Planning Commission shall approve a Conditional Use application if it determines that the application meets the following criteria.

(1) In the case of a proposed residential, institutional or non-retail office use, one or more of the following conditions apply:

A. The subject building space was designed specifically for the type of use proposed and, as such, occupancy by an allowed use is an unreasonable expectation.

B. Denial of the application for occupancy by a conditional use would result in a long-term vacancy of the subject property, as demonstrated by the applicant.

C. It has been determined that the proposed use is needed in the immediate area and that suitable alternative locations are unavailable.

(2) In the case of a proposed off street parking or loading area or driveway, one or both of the following conditions apply.

A. The size, shape or layout of the subject property does not permit placement of the parking, loading or driveway in a more suitable location.

B. It has been demonstrated by the applicant that placement of the parking, loading or driveway in an allowed location would jeopardize the continued occupancy of the subject property by uses suited to the PRO District.

(3) In the case of a building enclosed use that does not have an entrance from the Pedestrian Retail Street Frontage, one or both of the following conditions apply:

A. The proposed use will occupy an existing building that lacks such

pedestrian entrance, and the addition of a conforming pedestrian entrance is made infeasible by the configuration of the interior space or other factors related to the design and placement of the building.

B. Placement of the pedestrian entrance in a location other than on the Pedestrian Retail Street Frontage will result in more suitable pedestrian access.

(4) In the case of a proposed use with more than forty (40) feet of frontage along the Pedestrian Retail Street Frontage, the subject space was designed for use at such size and the proposed use, in the determination of the City Planning Commission, will not have adverse impacts on the functioning of nearby pedestrian-oriented retail uses.

(5) In the case of an interior side yard more than four (4) feet in width and located within forty (40) feet of a Pedestrian Retail Frontage, the subject building will be occupied by residential units which require the greater side yard area to allow for desirable levels of light and air.

(g) *Maximum Setbacks.* Notwithstanding the provisions of the underlying zoning district, properties in PRO Districts shall conform to the following regulations with respect to maximum setbacks.

(1) *Front Street Yard.* No main building on a lot abutting a Pedestrian Retail Street Frontage shall be set back more than five (5) feet from the Pedestrian Retail Street Frontage unless the City Planning Commission has approved establishment of a surface parking lot in such location as a Conditional Use. Such building features as entrances and display windows may be set back up to an additional five (5) feet as long as these features occupy no more than fifty percent (50%) of the building's total frontage. These setback regulations shall not apply to portions of buildings above the first-story level.

(2) *Interior Side Yard.* No portion of an interior side yard located within forty (40) feet of a Pedestrian Retail Street Frontage shall exceed four (4) feet in width on the ground floor level, unless the City Planning Commission has approved a driveway or a residential side yard in such location as a Conditional Use.

(3) *Exceptions for Outdoor Cafes.* A building may be set back a maximum of fifteen (15) feet from the Pedestrian Retail Street Frontage in order to accommodate a permanent outdoor cafe. If use of such cafe is discontinued for a period of two (2) years or more, the setback area shall be landscaped or otherwise improved in accordance with a plan approved by the City Planning Commission.

(h) *Window Areas.* For any non-residential building or storefront facing a Pedestrian Retail Street Frontage, not less than sixty percent (60%) of the front facade between 2.5 and 7.5 feet in height shall be composed of transparent windows or doors. In addition, not more than twenty-five percent (25%) of such window or door area on a building or storefront shall be covered with permanent signs.

(i) *Parking.* In recognition of the expected greater use of public transit, bicycles and walking by customers and employees traveling to PRO Districts, the minimum number of parking spaces otherwise required by the Zoning Code shall

be reduced by thirty-three percent (33%) for retail business uses in the districts. The Board of Zoning Appeals may further reduce parking requirements where it has been demonstrated that additional parking is available in common or shared parking facilities or in on-street parking areas located within a reasonable walking distance of the use, given the nature of the use and the district. The Board shall also consider factors as the number of bicycle racks available in proximity to a use. In making its determination, the Board shall be guided by an up-to-date analysis of parking supply and demand and other relevant factors submitted by or on behalf of the applicant. The City Planning Commission shall maintain a file of all such parking analyses submitted for properties in each PRO District.

(j) *Signs in the Public Street Right-of-Way.* An ordinance to map a PRO District in a particular location may include permission to place private signs in the public street right-of-way under the regulations of Chapter 512 of the Codified Ordinances. Such provision shall be included in the PRO designation only if it is determined, on the basis of a survey and analysis conducted by the City Planning Commission, that the particular PRO District is characterized by a preponderance of restaurants and small independent stores for which signs placed near the street curb would provide useful information to pedestrians seeking goods and services and would enhance the pedestrian-oriented image of the district. Any PRO District designated for display of signs in the street right-of-way shall be shown on the Zoning Map as a "PRO-S" District, with "S" noting the presence of special sign provisions. No sign permitted by these provisions shall be displayed without design approval of the sign's structure and permanent elements by the City Planning Commission, or where applicable, by the Landmarks Commission.

(k) *Variances.* The Board of Zoning Appeals may grant variances to requirements of this section under the applicable criteria stated in Chapter 329 of this code.

(l) *Appeals.* Appeals from the decision of the City Planning Commission to approve or disapprove Conditional Uses in Pedestrian Retail Spaces shall be made to the Board of Zoning Appeals.

Section 2. That existing Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1809-03, passed December 1, 2003, is repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed October 4, 2010.

Effective November 3, 2010.

Ord. No. 1035-10.
By Council Members Cimperman, K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, or otherwise improving Public Auditorium, including site improvements and appurtenances; authorizing the Director of Parks, Recreation and Properties to enter into one or more con-

tracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants to provide professional services necessary to provide review and evaluation services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to Public Auditorium, for the Department of Parks, Recreation and Properties.

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

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

Section 1. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, or otherwise improving Public Auditorium, including all site improvements and appurtenances necessary and incidental, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That the Director of Parks, Recreation and Properties is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to provide review and evaluation services and implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties and certified by the Director of Finance.

Section 4. That the Director of Parks, Recreation and Properties is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agree-

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

Section 6. That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of the Convention Center.

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

Passed October 4, 2010.

Effective October 7, 2010.

Ord. No. 1036-10.
By Council Members Cleveland, K. Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property north of Otter Avenue, between East 81st Street and East 82nd Street to Rid-all Exterminating & General Contracting Corporation, Damien Forshe, President, or its designee, for the purpose of installing an urban agriculture training center and associated uses, for a term of five years.

Whereas, the City of Cleveland owns certain property north of Otter Avenue, between East 81st Street and East 82nd Street, which is not needed for public use; and

Whereas, Rid-all Exterminating & General Contracting Corporation, Damien Forshe, President, or its designee, has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to Rid-all Exterminating & General Contracting Corporation, Damien Forshe, President, or its designee ("Lessee"), certain property which is not needed for public use more fully depicted in the map placed in File No. 1036-10-A.

Section 2. That the term of the lease authorized by this ordinance shall not exceed five years.

Section 3. That the property authorized by this ordinance shall be leased at fair market value as determined by the Board of Control, 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 Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are autho-

rized 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.

Passed October 4, 2010.

Effective October 7, 2010.

Ord. No. 1191-10.
By Council Member Mitchell.
An emergency ordinance designating the Langston Hughes House as a Cleveland Landmark.

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

Whereas, the owner of the Langston Hughes House has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Langston Hughes House as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That the Langston Hughes House, whose street address in the City of Cleveland is 2266 East 86th Street, Cuyahoga County Auditor's Permanent Parcel Number is 119-30-066, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being the Southerly 31 feet from front to rear of Sublot Number 67 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot Number 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records and being 31 feet front on the Westerly side of East 86th Street (formerly Beechwood Street) and extending back of equal width of 94 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency mea-

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

Passed October 4, 2010.

Effective October 7, 2010.

Ord. No. 1192-10.
By Council Member Polensek.
An emergency ordinance designating Beachland Presbyterian Church as a Cleveland Landmark.

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

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 10, 2009 to discuss the proposed designation of Beachland Presbyterian Church as a landmark; and

Whereas, the Commission has recommended designation of Beachland Presbyterian Church as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That Beachland Presbyterian Church, whose street addresses in the City of Cleveland are 18100 Canterbury Road, N. E., and 18109 Cornwall Road, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 114-11-076, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of Sublot Number 72 in the Beachland Allotment as shown by the recorded plat in Volume 26, Page 2 of Cuyahoga County map records and all of that portion of Canterbury Road and Cornwall Road Vacated by the Council of the City of Cleveland by Ordinance Number 364-56 passed March 19, 1956,

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Passed October 4, 2010.

Effective October 8, 2010 without the signature of the Mayor.

Ord. No. 1193-10.
By Council Member Polensek.
An emergency ordinance designating Nottingham United Methodist Church as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Nottingham United Methodist Church as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 10, 2009 to discuss the proposed designation of Nottingham United Methodist Church as a landmark; and

Whereas, the Commission has recommended designation of Nottingham United Methodist Church as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That Nottingham United Methodist Church, whose street addresses in the City of Cleveland are 18316-26 St. Clair Avenue, N. E., and 18301 Melville Road, N. E., Cuyahoga County Auditor's Permanent Parcel Numbers are 116-31-013 and 116-31-014, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Euclid Township Tract Number 15 and bounded and described as follows:

a.) Beginning on the Southeastly line of St. Clair Avenue, N. E., (60 feet wide) at its intersection with the Northeastly line of land conveyed to Richard Stacey by deed dated July 20, 1885, and recorded in Volume 381, Page 621 of Cuyahoga County Records; Thence Southwestly along the Southeastly line of St. Clair Avenue, N. E., about 72.60 feet to the Southwestly line of land conveyed to Richard Stacey as aforesaid; thence Southeastly along the Southwestly line of land so conveyed to Richard Stacey, about 200 feet to the most Westerly corner of land conveyed to Frank L. Martino and Rose A. Martino by deed dated June 26, 1950, and recorded in Volume 7033, Page 702 of Cuyahoga County Records; thence Northeastly along the Northwestly line of land so conveyed to Frank L. and Rose A. Martino, about 72.28 feet to the Northeastly line of land conveyed to Richard Stacey as first aforesaid; thence Northwestly along the Northeastly line of land so conveyed to Richard Stacey, to the place of beginning, be the same more or less, but subject to all legal highways, and

b.) Beginning on the Southeastly line of St. Clair Avenue, N. E., (60

feet wide) at the most Northerly corner of land conveyed to Sarah R. Woodruff and Luman T. Jones, by Deed dated April 29, 1891, and recorded in Volume 493, Page 297 of Cuyahoga County Records; thence Southwestly along the Southeastly line of St. Clair Avenue, N. E., 120 feet to the Northeastly line of Melville Road, N. E., (50 feet wide); thence Southeastly along the Northeastly line of Melville Road, N. E., 138.84 feet to a point distant 50 feet Northwestly, measured along the Northeastly line of Melville Road, N. E., from the most Westerly corner of land conveyed to George Luikart, by Deed dated April 5, 1895, and recorded in Volume 598, Page 551 of Cuyahoga County Records; thence Northeastly, and parallel with the Northwestly line of land so conveyed to George Luikart, about 119 feet to the Northeastly line of land conveyed to Sarah R. Woodruff and Luman T. Jones, as aforesaid; thence Northwestly, along the Northeastly line of land so conveyed, 150 feet to the place of beginning, be the same more or less, but subject to all legal highways,

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed October 4, 2010.

Effective October 8, 2010 without the signature of the Mayor.

Ord. No. 1194-10.
By Council Member Polensek.
An emergency ordinance designating Tabernacle Baptist Church as a Cleveland Landmark.

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

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 10, 2009 to discuss the proposed designation of Tabernacle Baptist Church as a landmark; and

Whereas, the Commission has recommended designation of Tabernacle Baptist Church as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That Tabernacle Baptist Church, whose street addresses in the City of Cleveland are 326 East 156th Street and 15521 Macauley Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 112-16-041, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being part of Original Euclid Township Tract 16 and bounded and described as follows:

Beginning on the Westerly line of East 156th Street (60 feet wide) at its intersection with the Northerly line of Macauley Avenue, N. E., (50 feet wide); thence Northerly along the Westerly line of said East 156th Street to the Northerly line of Sublot Number 100 in the Beach Grove Subdivision as shown by the recorded plat in Volume 49, Page 7 of Cuyahoga County map records; thence Westerly along the Northerly line of said Sublot Number 100 to the Northwesterly corner thereof; thence Southerly along the Westerly line of said Sublot Number 100 to the Southwesterly corner thereof, said point also being a Southeasterly corner of Sublot Number 132 in the Beach Grove Subdivision as aforesaid; thence Westerly along the Southerly line of said Sublot Number 132 about 17.76 feet to an interior corner thereof; thence Southerly along the Easterly line of said Sublot Number 132 to the Northerly line of Macauley Avenue as aforesaid; thence Easterly along the Northerly line of said Macauley Avenue about 150 feet to the place of beginning, Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed October 4, 2010.
Effective October 8, 2010 without the signature of the Mayor.

Ord. No. 1260-10.
By Council Members Zone, Miller, Mitchell and Sweeney (by departmental request).

An emergency ordinance to amend Section 551.113 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2393-02, passed February 2, 2003, relating to agreements for the use of the Ridge Road Transfer Station.

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 551.113 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2393-02, passed February 2, 2003, is amended to read as follows:

Section 551.113 Agreements for the Use of the Ridge Road Transfer Station

(a) The Director of Public Service is authorized to enter into agreements with other governmental entities and with private concerns for the use of the City's Ridge Road Transfer Station for the disposal of solid waste. The Director shall establish the tipping fee for each user of the transfer station in an amount not less than the cost to the City of disposing of the waste, including the unit price paid by the City for its disposal and an additional amount for operational and administrative costs.

(b) The Director of Public Service is authorized to enter into agreements with other governmental entities and with private concerns for the collection of recyclable materials at the City's Ridge Road Transfer Station. The Director is authorized to sell the recyclable materials under Section 181.18 and issue payments to the governmental entities and private concerns for any amounts received from the sale of the recyclable materials in excess of the City's operational and administrative costs.

(c) Any agreement made under this section shall contain provisions that are necessary in the opinion of the Director of Law to protect the interests of the City of Cleveland.

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

Passed October 4, 2010.
Effective October 7, 2010.

Ord. No. 1285-10.
By Council Member Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.

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

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

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

Claimant:	Claim No.	Amount	Division	Fund
Department of Public Safety				
Smith, Erik	12204	\$ 150.00	Corrections	01-600701-672000
Grigsby, Christal A.	12222	946.23	Police	01-600200-672000
Holmes, Wanda	12233	92.02	Police	01-600200-672000
Department of Parks, Recreation and Property				
Parmeter, Audrey	12228	\$ 100.00	Vacant Lots	01-701205-672000
Thomas, Sidney	12203	1,000.00	Urban Forestry	01-701204-672000
Donley, Andrea	12214	500.00	Urban Forestry	01-701204-672000
Department of Public Service				
Tomasch, Ronald R.	12194	\$ 30.00	Waste Collection	01-400303-672000
Urbanski, Maryanne	12220	15.00	Waste Collection	01-400303-672000
Francis, Mary K.	12229	250.00	Waste Collection	01-400303-672000
Department of Public Utilities				
Andolsek, Yolanda	4568	\$ 500.00	CPP	58 SF 001, Unit 80
Ryland, Loretta	4960	500.00	Water	52 SF 001
Miller, Jim and Kim	5021	3,068.29	WPC	54 SF 001
Lysyj, Emily	5022	1,005.20	WPC	54 SF 001

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

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

Passed October 4, 2010.

Effective October 7, 2010.

Ord. No. 1326-10.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and reconvey properties presently owned by Rockwell Property, LLC, or its designee, located at 1403 East 6th Street 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 Rockwell Property, LLC, or its designee, relating to the interior renovation of the office building located at 1403 East 6th Street.

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, Rockwell Property, LLC, or its designee, 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 financial legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a parcel designated as "A" and Sublot No. 21 in John A. Rockwell and Others Allotment of part of Original Two Acre Lots 67 and 68 and all of Original Two Acre Lots 69 to 72, as shown by the recorded plat in volume 2 of Maps, Page 58 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the northeasterly line of East 6th Street (formerly Bond Street), 99 feet wide, with the northwesterly line of Rockwell Avenue, N.E. (formerly Rockwell Street), 66 feet wide;

Thence Northeasterly along the northwesterly line of Rockwell Avenue, N.E. 116.11 feet to the most easterly corner of Sublot No. 21;

Thence Northwesterly along the northeasterly line of Sublot No. 21, 166.11 feet to the southeasterly line of Theresa Court N.E. (formerly Theresa Lane, 16-1/2 feet wide);

Thence Southwesterly along the southeasterly line of Theresa Court N.E., 116.10 feet to the northeasterly line of East 6th Street;

Thence Southeasterly along the northeasterly line of East 6th Street, 166.11 feet to the place of beginning,

be the same more or less, but subject to all legal highways, according to a survey dated November 11, 1965 by Edward C. O'Rourke, Registered Surveyor No. 3525, and revised march 1979, by Patrick S. Janis, Registered surveyor No. 4497, E.G. O'Rourke and Associates.

Parcel No. 2A

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Sublot No. 22 in the John a. Rockwell and Others' Allotment of part of Original Two Acre Township Lot Nos. 67 to 72 both inclusive, as shown by the recorded plat in Volume 2 of maps, page 58 of Cuyahoga County Records, and being 78 feet front on the northerly side of Rockwell Avenue, N.E. (formerly Rockwell Street), and extending back 166 feet of an inch on the westerly line, 165 feet 11-3/4 inches on the easterly line, and having a rear line of 78 feet along the southerly side of Theresa Court N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2B

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Sublot Nos. 23 and 24 in the John A. Rockwell and Others' Allotment of part of Original Two Acre Township Lot Nos. 67 to 72 both inclusive, as shown by the recorded plat in Volume 2 of maps, Page 58 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 50 feet on the northerly side of Rockwell Avenue N.E. (formerly Rockwell Street), and extending back 165 feet 11-1/2 inches on the easterly line, 165 feet 11-3/4 inches on the westerly line and having a rear line of 50 feet along the southerly side of Theresa Court N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the 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 Rockwell Property, LLC, or its designee, relating to the interior renovation of the office building located at 1403 East 6th Street, which shall include the terms and conditions of the transaction authorized by this ordinance.

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

Passed October 4, 2010.

Effective October 7, 2010.

Ord. No. 1328-10.

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 1187-10, passed September 13, 2010, relating to the public improvement of stabilizing the former Fifth Church of Christ building located at 11623 Lake Avenue and professional services relating to the improvement and an environmental assessment and remediation services.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 1187-10, passed September 13, 2010, are amended to read as follows:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of stabilizing the former Fifth Church of Christ building located at 11623 Lake Avenue, including but not limited to, replacing the roof and deck, making structural, masonry, electrical, and plumbing improvements, and asbestos removal ("Improvement"), for the Department of Community Development, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price.

Section 2. That existing Sections 1 and 2 of Ordinance No. 1187-10, passed September 13, 2010, are repealed.

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

Passed October 4, 2010.
Effective October 7, 2010.

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 936-10 passed July 14, 2010 as amended by Ordinance No 1206-10 passed September 13, 2010 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of the Public Health Department to enter into agreement with the African American Music Association, Inc, for a Health Education and Healthy Exercise Program through the use of Ward(s) 18, 1, 9, 7 and 8 Neighborhood Equity Funds.

Section 1. That the Director of the Public Health Department is authorized to enter into an agreement with the African American Music Association, Inc, effective September 20, 2010 for the Health Education and Healthy Exercise Program for the public purpose of providing health education and healthy recreational activities for city of Cleveland youth through the use of Wards 18, 1, 9, 7 and 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 936-10 passed July 14, 2010 as amended

by Ordinance No 1206-10 passed September 13, 2010 are hereby repealed.

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

Passed October 4, 2010.
Effective October 7, 2010.

Ord. No. 1333-10.
By Council Members Sweeney, Pruitt, Conwell, Dow and J. Johnson.

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 936-10 passed July 14, 2010 as amended by Ordinance No 1206-10 passed September 13, 2010 as it pertains to the African American Music Association, Inc for the Health Education and Healthy Exercise Program through the use of Wards 18, 1 and 9 Neighborhood Equity Funds.

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

COUNCIL COMMITTEE MEETINGS

**Wednesday, October 13, 2010
1:00 p.m.**

City Planning (Zoning) Committee: Present: Cleveland, Chair; Brady, Conwell, Dow, Keane, Zone. *Authorized Absence:* Westbrook, Vice Chair.

1:30 p.m.

City Planning Committee: Present: Cleveland, Chair; Brady, Conwell, Dow, Keane, Zone. *Authorized Absence:* Westbrook, Vice Chair.

Index

O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

Agreements

Amend title and Sect(s) 1 & 2 of Ord. No. 936-10 — Health Education and Healthy Exercise Program — African American Music Association (Ward(s) 18, 01, 07, 08, 09 NEF) (O 1333-10) **1619**

Board of Control — Community Development Department

Catalpa Road, 1638 (Ward 10) — PPN 117-10-039 — HUD/Fannie Mae property — Cathy White (BOC Res. 420-10) 1606
Saranac Road (Ward 11) — PPN 116-09-001/003/044/045 — Ishmael Pettigrew per Ord. 1261-10 (BOC Res. 419-10) 1606

Board of Control — Finance Department

Exterminating services — per C.O. Sec. 181.101 to J.C. Ehrlich Co., Inc., d.b.a. Rentokil Pest Control (BOC Res. 413-10) 1605
Security guard services, uniformed and unarmed — per Ord. 893-10 to Industrial Security Service, LLC (BOC Res. 414-10) 1605

Board of Control — Land Reutilization Program

Catalpa Road, 1638 (Ward 10) — PPN 117-10-039 — HUD/Fannie Mae property — Cathy White (BOC Res. 420-10) 1606
Saranac Road (Ward 11) — PPN 116-09-001/003/044/045 — Ishmael Pettigrew per Ord. 1261-10 (BOC Res. 419-10) 1606

Board of Control — Parks, Recreation and Properties Department

Roof replacements for Public Safety Buildings — per Ord. 886-06, 781-09 — all bids rejected (BOC Res. 418-10) 1606
Zelma Watson George Recreation Center HVAC improvements — per Ord. 922-07, 1163-08, 1176-08 — all bids rejected (BOC Res. 417-10) 1606

Board of Control — Public Improvement Contracts

Catch basins and manholes, construction and repair of — per C.O. Sec. 129.291 to Terrace Construction Co., Inc. — Division of Water Pollution Control, Dept. of Public Utilities (BOC Res. 415-10)	1606
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Board of Control — Public Safety Department

Roof replacements for buildings — per Ord. 886-06, 781-09 — all bids rejected — Dept. of Parks, Recreation and Properties (BOC Res. 418-10)	1606
---	------

Board of Control — Public Utilities Department

Catch basins and manholes, construction and repair of — per C.O. Sec. 129.291 to Terrace Construction Co., Inc. — Division of Water Pollution Control (BOC Res. 415-10)	1606
Laboratory services for protozoa and biological analysis — per C.O. Sec. 129.28 - all bids rejected — Division of Water (BOC Res. 416-10)	1606

Board of Control — Requirement Contracts

Exterminating services — per C.O. Sec. 181.101 to J.C. Ehrlich Co., Inc., d.b.a. Rentokil Pest Control — Dept. of Finance (BOC Res. 413-10).....	1605
Security guard services, uniformed and unarmed — per Ord. 893-10 to Industrial Security Service, LLC — Dept. of Finance (BOC Res. 414-10)	1605

Board of Control — Water Division

Laboratory services for protozoa and biological analysis — per C.O. Sec. 129.28 - all bids rejected — Dept. of Public Utilities (BOC Res. 416-10)	1606
---	------

Board of Control — Water Pollution Control Division

Catch basins and manholes, construction and repair of — per C.O. Sec. 129.291 to Terrace Construction Co., Inc. — Dept. of Public Utilities (BOC Res. 415-10)	1606
---	------

Board of Control — Zelma Watson George Recreation Center

HVAC improvements — per Ord. 922-07, 1163-08, 1176-08 — all bids rejected — Dept. of Parks, Recreation and Properties (BOC Res. 417-10)	1606
---	------

Board of Zoning Appeals — Report

Broadview Road, 4834, (Ward 13) – Lisa Jafari, owner — appeal granted and adopted on 10/4/10 (Cal. 10-160)	1607
Carter Road, 1970, (Ward 14) – Carter Peninsula, Inc., owner and their counsel Andrew M. Fowerbaugh — appeal dismissed 10/12/10 (Cal. 09-60)	1607
JAG Drywall LLC, owner – appeal denied and adopted on 10/4/10 (Cal. 10-161)	1607
Lorain Avenue, 17119, (Ward 19) – Patrick Campbell, owner — appeal postponed to 11/1/10 on 10/12/10 (Cal. 10-170)	1607
Memphis Avenue, 4702, (Ward 13) – Budah Holdings LLC, owner — appeal granted and adopted on 10/4/10 (Cal. 10-154)	1607
Payne Avenue, 3500, (Ward 8) – Rose Strauss Family Ltd. Partnership, owner — appeal granted and adopted on 10/4/10 (Cal. 10-146)	1607
Rocky River Drive, 4568, (Ward 19) – Cleveland Muslim Community Center, owner — appeal postponed to 12/6/10 on 10/12/10 (Cal. 10-168)	1607
Rocky River Drive, 4594, (Ward 19) – Cleveland Muslim Community Center, owner — appeal postponed to 12/6/10 on 10/12/10 (Cal. 10-166)	1607
Rocky River Drive, 4600, (Ward 19) – Cleveland Muslim Community Center, owner — appeal postponed to 12/6/10 on 10/12/10 (Cal. 10-167)	1607
State Road, 4323, (Ward 13) – Zoran Milosavljevic, owner — appeal granted and adopted on 10/4/10 (Cal. 10-159).....	1607
State Road, 4931, (Ward 13) – Ioannis Vasilakis, owner and Moises Quintana, tenant — motion for rehearing granted on 10/4/10 (Cal. 10-163)	1608
West 25th Street, 3849, (Ward 3) – WHS Realty Services, Inc., owner and Happy Pizza Holdings LLC, prospective tenant — appeal heard on 10/12/10 (Cal. 10-174).....	1607

Board of Zoning Appeals — Schedule

East 169th Street, 4129, (Ward 1) – Marvin Johnson, Jr., owner — appeal to be heard on 10/25/10 (Cal. 10-188).....	1607
Euclid Avenue, 11400, (Ward 9) – Case Western Reserve University, owner and the Museum of Contemporary Art — appeal to be heard on 10/25/10 (Cal. 10-187).....	1607
Lorain Avenue, 12645, (Ward 17) – Salvation Army, Jr., owner — appeal to be heard on 10/25/10 (Cal. 10-191)	1607
Meyer Avenue, 2401, (Ward 14) – Michael Ferrante, owner — appeal to be heard on 10/25/10 (Cal. 10-183).....	1607

Sherry Avenue, 13400, (Ward 18) – Timothy Gorey, owner — appeal to be heard on 10/25/10
 (Cal. 10-193) 1607
 West 130th Street, 4724, (Ward 18) – Vietnamese Buddhist Association, Jr., owner — appeal
 to be heard on 10/25/10 (Cal. 10-192)..... 1607

City of Cleveland Bids

Briggs/West 103rd Street Sewer Relief Project — Department of Public Utilities — Division
 of Water Pollution Control — per Ord. 595-10 — bid due October 22, 2010
 (advertised 10/6/2010 and 10/13/2010)..... 1608
 Chemicals, neutralization — Department of Public Utilities — Division of Water — per C.O.
 Sec. 129.24 — bid due November 18, 2010 (advertised 10/13/2010 and 10/20/2010) 1609
 City of Cleveland Recreation Centers Improvements Package #2 — Department of Parks,
 Recreation and Properties — Division of Research, Planning and Development -
 per Ord. 922-07, 1163-08, and 1176-08 — bid due October 28, 2010
 (advertised 10/6/2010 and 10/13/2010)..... 1608
 Consolidated Maintenance Facility, Phase IIIA (Oil Water Separator and Wash Pit), WBS No.
 A1-H211-3 — Department of Port Control — Division of Cleveland Hopkins International
 Airport — per Ord. 904-09 — bid due January 12, 2011 (advertised 10/13/2010 and 10/20/2010)..... 1609
 Electrical distribution enhancement — Department of Port Control — Division of Cleveland
 Hopkins International Airport — per Ord. 1187-10 — bid due November 10, 2010
 (advertised 10/6/2010 and 10/13/2010)..... 1608
 Former Fifth Church of Christ building stabilization — Department of Public Service —
 Division of Architecture — per Ord. 1187-10 — bid due November 4, 2010
 (advertised 10/13/2010 and 10/20/2010)..... 1608
 HVAC/R supplies and equipment — Department of Parks, Recreation and Properties — Division
 of Property Management — per C.O. Sec. 181.101 — bid due October 22, 2010
 (advertised 10/6/2010 and 10/13/2010)..... 1608
 Lumber (Re-bid) 2010 — Department of Finance — various divisions of city government — per
 Ord. 592-10 — bid due October 27, 2010 (advertised 10/6/2010 and 10/13/2010)..... 1608
 Sodium hypochlorite solutions — Department of Public Utilities — Division of Water — per
 C.O. Sec. 129.24 — bid due November 18, 2010 (advertised 10/13/2010 and 10/20/2010) 1609
 Water meters, large — Department of Public Utilities — Division of Water — per C.O. Sec.
 129.25 — bid due November 12, 2010 (advertised 10/13/2010 and 10/20/2010) 1608
 Water meters, small — Department of Public Utilities — Division of Water — per C.O. Sec.
 129.25 — bid due November 12, 2010 (advertised 10/13/2010 and 10/20/2010) 1609

City Planning Commission

Amend Sect. 343.23 — Pedestrian Retail Overlay (PRO) Districts (O 889-10) 1613
 Beachland Presbyterian Church — Canterbury Rd., 18100 & Cornwall Rd., 18109 — PPN
 114-11-076 — designate as landmark (Ward 11) (O 1192-10)..... 1616
 Langston Hughes House — East 86th St., 2266 — designate as landmark — (Ward 06) (O 1191-10) 1615
 Nottingham United Methodist Church — St. Clair Ave., 18316-26 & Melville Rd., 18301 — PPN
 116-31-013 / 014 — designate as landmark (Ward 11) (O 1193-10) 1616
 Tabernacle Baptist Church — East 156th St., 326 & Macauley Ave., 15521 — PPN 112-16-041 —
 designate as landmark (Ward 11) (O 1194-10) 1616

Cleveland Clinic Foundation

Lease for parking spaces at Cleveland Municipal Parking Lot (O 654-10) 1610

Cleveland Hopkins International Airport

Public improvement contract — emergency electrical upgrades & power feeds to Main
 Substations #1 and #2 (O 874-10) 1612

Codified Ordinances

Amend Sect. 551.113 — Agreements for the Use of the Ridge Road Transfer Station (O 1260-10) 1617
 Amend Sect(s) 337.02 & 337.23 — Urban Agriculture (O 814-10)..... 1611
 Amend Sect. 343.23 — Pedestrian Retail Overlay (PRO) Districts (O 889-10) 1613

Community Development Department

Amend Sect(s) 1& 2 of Ord. No. 1187-10 — Fifth Church of Christ building — public
 improvement contract — professional services (O 1328-10) 1618

Contracts

Amend Sect(s) 1& 2 of Ord. No. 1187-10 — Fifth Church of Christ building — Community
 Development — public improvement — professional services (O 1328-10) 1618
 CHIA — public improvement — emergency electrical upgrades & power feeds to Main Substations
 #1 and #2 (O 874-10) 1612
 Public improvement — professional services — Public Auditorium (O 1035-10) 1614

Convention Center

Amend lease agreement between the City of Cleveland & Nehst Creations, LLC for Convention Center usage (O 653-10)	1610
---	------

County Auditor

Tax Levies, 2011 — accepting and certifying (R 1287-10)	1609
---	------

Economic Development Department

Acquire and re-convey properties for chain of title under Sect. 5709.41 of the Revised Code — Rockwell Property, LLC (O 1326-10)	1618
--	------

Finance Department

Moral Claims — authorize payments (O 1285-10)	1617
Tax Levies, 2011 — accepting and certifying (R 1287-10)	1609

Health Department

Amend title and Sect(s) 1 & 2 of Ord. No. 936-10 — Health Education and Healthy Exercise Program — agreement — African American Music Association (Ward(s) 18, 01, 07, 08, 09 NEF) (O 1333-10)	1619
--	------

Landmark Commission

Beachland Presbyterian Church — Canterbury Rd., 18100 & Cornwall Rd., 18109 — PPN 114-11-076 — designate as landmark — City Planning Commission (Ward 11) (O 1192-10)	1616
Langston Hughes House — East 86th St., 2266 — designate as landmark — City Planning Commission (Ward 06) (O 1191-10)	1615
Nottingham United Methodist Church — St. Clair Ave., 18316-26 & Melville Rd., 18301 — PPN 116-31-013 / 014 — designate as landmark — City Planning Commission (Ward 11) (O 1193-10)	1616
Tabernacle Baptist Church — East 156th St., 326 & Macauley Ave., 15521 — PPN 112-16-041 — designate as landmark — City Planning Commission (Ward 11) (O 1194-10)	1616

Lease Agreement

Amend lease agreement between the City of Cleveland & Nehst Creations, LLC for Convention Center usage (O 653-10)	1610
---	------

Leases

Cleveland Clinic for parking spaces at Cleveland Municipal Parking Lot (O 654-10)	1610
Property on Otter Avenue — Rid-all Exterminating & General Contracting Corp. — Urban Agriculture training center (O 1036-10)	1615

Liquor Permits

Aetna Rd., 9102 — withdraw objection to renewal — repeal Res. 1090-10 (Ward 02) (R 1334-10)	1610
East 144th St., 3744 — withdraw objection to renewal — repeal Res. 1098-10 (Ward 02) (R 1335-10)	1610

Moral Claims

Authorize payments — Finance Department (O 1285-10)	1617
---	------

Neighborhood Equity Funds

Amend title and Sect(s) 1 & 2 of Ord. No. 936-10 — Health Education and Healthy Exercise Program — agreement — African American Music Association (Ward(s) 18, 01, 07, 08, 09 NEF) (O 1333-10)	1619
--	------

Parks, Recreation and Properties Department

Amend lease agreement between the City of Cleveland & Nehst Creations, LLC for Convention Center usage (O 653-10)	1610
Lease property on Otter Avenue — Rid-all Exterminating & General Contracting Corp. — Urban Agriculture training center (O 1036-10)	1615
Lease with Cleveland Clinic for parking spaces at Cleveland Municipal Parking Lot (O 654-10)	1610
Public improvement contract — professional services — Public Auditorium (O 1035-10)	1614

Port Control Department

CHIA — public improvement contract — emergency electrical upgrades & power feeds to Main Substations #1 and #2 (O 874-10) **1612**

Professional Services

Amend Sect(s) 1& 2 of Ord. No. 1187-10 — Fifth Church of Christ building — Community Development — public improvement contract (O 1328-10) **1618**
 Public improvement contract — Public Auditorium (O 1035-10) **1614**

Public Improvements

Amend Sect(s) 1& 2 of Ord. No. 1187-10 — Fifth Church of Christ building — Community Development — contract — professional services (O 1328-10)..... **1618**
 CHIA — contract — emergency electrical upgrades & power feeds to Main Substations #1 and #2 (O 874-10) **1612**
 Contract — professional services — Public Auditorium (O 1035-10)..... **1614**

Purchases and Supplies Division

Acquire and re-convey properties for chain of title under Sect. 5709.41 of the Revised Code — Rockwell Property, LLC(O 1326-10) **1618**

Ridge Road Transfer Station

Amend Sect. 551.113 — Agreements for the Use of the Ridge Road Transfer Station (O 1260-10) **1617**

Taxes Levies

Tax Levies, 2011 — accepting and certifying (R 1287-10)..... **1609**

Taxes

Tax Levies, 2011 — accepting and certifying (R 1287-10)..... **1609**

Ward 01

Amend title and Sect(s) 1 & 2 of Ord. No. 936-10 — Health Education and Healthy Exercise Program — agreement — African American Music Association (Ward(s) 18, 01, 07, 08, 09 NEF) (O 1333-10) **1619**

Ward 02

Aetna Rd., 9102 — withdraw objection to renewal — repeal Res. 1090-10 — liquor permit (R 1334-10) **1610**
 East 144th St., 3744 — withdraw objection to renewal — repeal Res. 1098-10 — liquor permit (R 1335-10) **1610**

Ward 03

Acquire and re-convey properties for chain of title under Sect. 5709.41 of the Revised Code — Rockwell Property, LLC(O 1326-10) **1618**

Ward 05

Lease property on Otter Avenue — Rid-all Exterminating & General Contracting Corp. — Urban Agriculture training center (O 1036-10) **1615**

Ward 06

Langston Hughes House — East 86th St., 2266 — designate as landmark — City Planning Commission (O 1191-10)..... **1615**

Ward 07

Amend title and Sect(s) 1 & 2 of Ord. No. 936-10 — Health Education and Healthy Exercise Program — agreement — African American Music Association (Ward(s) 18, 01, 07, 08, 09 NEF) (O 1333-10) **1619**

Ward 08

Amend title and Sect(s) 1 & 2 of Ord. No. 936-10 — Health Education and Healthy Exercise Program — agreement — African American Music Association (Ward(s) 18, 01, 07, 08, 09 NEF) (O 1333-10) **1619**

Ward 09

Amend title and Sect(s) 1 & 2 of Ord. No. 936-10 — Health Education and Healthy Exercise Program — agreement — African American Music Association (Ward(s) 18, 01, 07, 08, 09 NEF) (O 1333-10) **1619**

Ward 11

Beachland Presbyterian Church — Canterbury Rd., 18100 & Cornwall Rd., 18109 — PPN 114-11-076 — designate as landmark — City Planning Commission (O 1192-10)..... **1616**
Nottingham United Methodist Church — St. Clair Ave., 18316-26 & Melville Rd., 18301 — PPN 116-31-013 / 014 — designate as landmark — City Planning Commission (O 1193-10) **1616**
Tabernacle Baptist Church — East 156th St., 326 & Macauley Ave., 15521 — PPN 112-16-041 — designate as landmark — City Planning Commission (O 1194-10) **1616**

Ward 16

Amend Sect(s) 1& 2 of Ord. No. 1187-10 — Fifth Church of Christ building — Community Development — public improvement contract — professional services (O 1328-10) **1618**

Ward 18

Amend title and Sect(s) 1 & 2 of Ord. No. 936-10 — Health Education and Healthy Exercise Program — agreement — African American Music Association (Ward(s) 18, 01, 07, 08, 09 NEF) (O 1333-10) **1619**