DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE
President of Council – Martin J. Sweeney

Ward Name Residence
1 Terrell H. Pratt 3877 East 189th Street 44122
2 Zachary Reed 3734 East 149th Street 44120
3 Joe Cippinmer P.O. Box 91688 44101
4 Kenneth L. Johnson 2948 Hampton Road 44120
5 Phyllis E. Cleveland 2360 East 36th Street 44105
6 Mimmie J. Mitchell 12701 Shaker Boulevard 44120
7 J D Door 7715 Decker Avenue 44103
8 Jeffrey D. Johnson 9024 Parkgate Avenue 44108
9 Kevan Connell 10674 Ashbury Avenue 44106
10 Eugene R. Miller 1365 Kelso Avenue 44110
11 Michael D. Polenek 17855 Brian Avenue 44119
12 Anthony Brancatelli 6924 Ottawa Road 44105
13 Kevin J. Kelley 5901 W. Ridge Avenue 44144
14 Brian J. Cummins 3104 Maple Lane Avenue 44109
15 Matthew Zone 1228 West 69th Street 44102
16 Jay Westbrook 1278 West 103rd Street 44419
17 Dona Brady 1272 West Boulevard 44102
18 Martin J. Sweeney 3652 West 131st 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 Stillman, Secretary to the Mayor, Chief of Staff
Danell Brown, Executive Assistant to the Mayor, Chief Operating Officer
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
Monika 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 Watson, Executive Assistant to the Mayor, Chief of Sustainability
Natalya J. Walker, Interim Director, Office of Equal Opportunity

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director
DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230
DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza
DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;
MAYOR – Frank G. Jackson

Ward    Name Residence
16 Jay Westbrook 1278 West 103rd Street 44119
17 Dona Brady 1272 West Boulevard 44102
18 Martin J. Sweeney 3652 West 131st Street 44111
19 Martin J. Keane 15907 Colletta Lane 44111

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

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113

Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1

Recreation – Kim Johnson, Commissioner, Room 8

Public Auditorium, East 6th Street and Lakeside Avenue
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
Cleveland Convention Center, Clubroom A, 1220 East 6th Street

Public Auditorium, East 6th Street and Lakeside Avenue
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 – Tyron L. Johnson, Commissioner
Construction Permitting – Timothy E. Walse, Commissioner
DEPT. OF PERSONNEL AND HUMAN RESOURCES – Nycoke 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 Connell, Councilman Brian J. Cummins, Councilman Mark W. Moreland, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kattya M. Hall, Evangelie Hardaway, Janet Jenkina, 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; Betty Hruby, Aust. Sec’y.; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: John Myres, Ozzell Dobbin, Joan Shaver Washington, Tim Donovan, ____________, Secretary.


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

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Robert J. Trizzoli, Councilman

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Trizzoli, Utilities Director _______________; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Goyne, Chairman; David H. Bowen, William Kirt, 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, Drydean McCaleb, Council Member ____________, Ed Romero.

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


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

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

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

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

AUDIT COMMITTEE – Yvette M. Itm, Chairman; Debra Janik, Bracy Lewis, Diane Downin-
g, Donna Scarpace, Council President Martin J. Sweeney; Law Director Robert J. Trizzoli.

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

Judge Courthouse
Presiding and Administrative Judge Ronald B. Adrine 15A
Judge Marilyn B. Cassidy 12B
Judge Emmanelina Gares 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. Piana 14B
Judge Angela R. Stokes 15C
Judge Pauline H. Taras 13C
Judge Joseph J. Zone 14D

The City Council

Monday, October 4, 2010

OFFICIAL PROCEEDINGS

CITY COUNCIL

Cleveland, Ohio
Monday, October 4, 2010

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

1:30 P.M. — City Planning Committee: Cleveland, Dow, 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.

MOTION

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

COMMUNICATIONS

File No. 1336-10.

October 1, 2010

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

Dear Ms. Franklin and Mr. Dreyer:

During the absence of Clerk Patricia J. Britt from October 4, 2010 through October 8, 2010, I request that Ms. Franklin serve as Clerk of Council Pro Tempore for the purpose of the Council meeting of October 4, 2010, and that Mr. Dreyer serve as Clerk of Council Pro Tempore for purposes of any Council matters requiring the Clerk's signature during the week.

Your assistance is appreciated.

Sincerely,
Martin J. Sweeney, President
Cleveland City Council

Received.

File No. 1337-10.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1338-10.
Re: #5896179 — D1, D2 Transfer of Ownership Application — TOP ROCCO, LLC., DBA Top Rocco's Firehouse Pizza, 13601 Puritas Avenue (Ward 18). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1339-10 — John Thomas "Tom" Mullen.


Res. No. 1341-10 — Johnell Eugene Young.

Res. No. 1342-10 — Sgt. Martin A. Stanton, Badge #29926.

CONGRATULATION RESOLUTIONS

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

Res. No. 1343-10 — Kevin O'Donnell.

Res. No. 1344-10 — Anthony J. Coyne.

Res. No. 1345-10 — Wayne Tomasic.

RESOLUTION OF RECOGNITION

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

Res. No. 1346-10 — Vien Quang Buddhist Temple (Heart Shrine Relic Tour 2010).
WELCOME RESOLUTIONS
The rules were suspended and the following Resolutions were adopted without objection:

Res. No. 1347-10 — Michael Feeneey,
Res. No. 1348-10 — Michael Burke.

FIRST READING EMERGENCY ORDINANCE REFERRED
Ord. No. 1321-10.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance approving the Tax Incentive Review Council (TIRC)’s recommendations.

Whereas, under section 5709.88 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle affecting the owner’s business necessity; and

Whereas, in compliance with Section 5709.88 of the Revised Code, the City of Cleveland has created the TIRC and the TIRC has made written recommendations on exemptions to the legislative authority; and

Whereas, under Division (D) of Section 5709.88 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; 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 TIRC’s Year 2009 recommendations contained in File No. 1321-10 are approved.

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 in force from and after the earliest period allowed by law.

Ord. No. 1324-10.
By Council Members Keane, Cleve and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into a Lease Agreement with City of Cleveland:

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with Clark Schafer & Associates, Inc. for professional services necessary to perform an independent audit and express the opinion of the City whether the 2010 financial statements fairly present the financial position of the City and other things, and to complete two state Division for Water and Taxation, for a period of one year, with three one-year options to renew. The first of the one-year options to renew shall be exercised by the Director of Finance, without the necessity of obtaining additional authority of this Council. The cost of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercised at the option of the Director of Finance, without the necessity of obtaining additional authority of this Council.

Section 2. That the cost of the contract authorized shall be paid from funds appropriated for this purpose in the budget year 2011, Requst No. RQS 1598 RL 2010-149.

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.

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

Section 1. That the Lease Agreement 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.

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

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

Section 1. That the Director of Finance is authorized to enter into a Lease Agreement with Burke Lakefront Airport for flight training and related services, for the period of two years, with two one-year options to renew. 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 second of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional legislative authority of this Council. The cost of the Leased Premises, Lessee shall pay the City the greater of an annual rate of Two Thousand Five Hundred Sixty-Two Dollars and Fifty Cents ($2,562.50) which is equal to $12.50 per square foot or fair market value as established by an independent third party appraisal. Such rent shall be paid in monthly installments due on the first day of each month during the term of the Lease.

Section 2. That the Lease authorized shall be prepared by the Director of Finance.

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

Referred to Directors of Port Control, Taxation, Finance, Law; Committees on Aviation and Transportation, Finance, Law.
An emergency ordinance to appropriate a temporary construction easement for the public purpose of replacing the East 93rd Street Bridge, Cuyahoga County, Ohio; and various agencies, entities, or individuals to implement the grant, File No. 1327-10-A, made a part of Original 100 Acre Lot No. 416 more definitely described as follows:

Being a parcel of land situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being a part of Original 100 Acre Lot No. 416 more definitely described as follows:

Containing within said bounds 4073 sq. ft. or 0.0935 acre of land as calculated by the Surveyor for the year 2010 by David L. Elwell, Professional Surveyor No. 6333, of KS Associates, Inc. of Cleveland, Ohio.

Basis of bearings: City of Cleveland Cuyahoga County Land Records

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the temporary construction easement described above.

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

Referred to Directors of Finance, City Planning Commission, Finance, Public Service, City Planning, Finance.

Ord. No. 1327-10.
By Mayor Jackson.

An emergency ordinance to discontinue the Department of Consumer Affairs, the Office of Consumer Affairs, and the Fair Housing and Consumer Affairs Board of the Division of Neighborhood Development by enacting new Sections 137.03, 137.04, 137.09, and 137.10, to amend Section 139-01, relating to the duties of the Director of Community Development; to amend Section 390-A-76, passed January 23, 1976, as amended by Ordinance No. 1307, passed November 10, 1976, and for such purposes to ordain and establish, term, terms, of the Fair Housing and Consumer Affairs Board and to amend various sections within the code to conform to the various names and titles authorized by this ordinance.

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

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

Section 1. That, upon the concurrence of the Board of Control, as required by Sections 77 and 78 of the Charter, the Department of Consumer Affairs is discontinued and Section 139-01, relating to the duties of the Director of Community Development, is repealed.

Section 2. That, upon the concurrence of the Board of Control, as required by Sections 77 and 78 of the Charter, the Division of Real Estate is discontinued and Sections 137.09 and 137.10 of the Codified Ordinances of Cleveland, Ohio, 1976, are repealed.

Section 3. That, upon the concurrence of the Board of Control, as required by Sections 77 and 78 of the Charter, the Division of Neighborhood Development is established and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 137.09 and 137.10 to read as follows:
Section 137.09 Division of Neighborhood Development

The Division of Neighborhood Development is established a Division of Neighborhood Development in the Department of Community Development and shall be administered by a Commissioner of Neighborhood Development, subject to the Charter and ordinances of the City, and to the direction of the Director of Community Development.

Section 137.10 Duties of the Commissioner of Neighborhood Development

The Commissioner of Neighborhood Development shall administer all Division programs intended to encourage the development or improvement of residential and commercial property in Cleveland's neighborhoods; shall manage public acquisition of real estate to be used in furtherance of the City's neighborhood revitalization; shall regulate and control the development of public and private property within the City; shall plan and implement City programs intended to foster the construction of safe, decent, and affordable housing for low income residents; and shall perform such other duties as may from time to time be required by ordinance or by the Director of Community Development.

Section 5. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the Office of Fair Housing and Consumer Affairs is established within the Department of Community Development and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 137.03 and 137.04 to read as follows:

Section 137.03 Office of Fair Housing and Consumer Affairs

There is established in the Department of Community Development an office of Fair Housing and Consumer Affairs to be administered and controlled by a Manager of Fair Housing and Consumer Affairs. The Office of Fair Housing and Consumer Affairs shall accept, investigate and resolve complaints regarding unlawful discriminatory housing practices; accept, investigate and license applications of persons desiring to become realtors or brokers; mediate and prosecute unlawful discriminatory housing practices; work cooperatively with consumer agencies, schools, media and community organizations to educate consumers and businesses about consumer issues; make recommendations for legislative action to strengthen consumer protection; and perform other duties as may from time to time be required by ordinance or by the Director of Community Development.

Section 137.04 Duties of the Manager of Fair Housing and Consumer Affairs

The Manager of Fair Housing and Consumer Affairs shall serve under the supervision of the Director of Community Development and subject to the direction of the Director of Community Development to functions and responsibilities as provided for in the Codified Ordinances of Cleveland, as amended by Ordinance No. 729-72, passed December 26, 2003, to read as follows:

Section 137.02 Duties of the Director of Community Development

The Director of Community Development shall administer the functions and responsibilities of the Division of Community Development and supervise the work of the several divisions established in the Department; administer the laws and ordinances of the City relating to Community Development; coordinate the functioning of the several divisions of the Department with other agencies, departments, divisions and offices of the City, with Federal, State and County offices and agencies; and supervise the carrying forward of the development, redevelopment, renewal, rehabilitation, and conservation of the City in conformity with the General Plan of the City; manage and control all projects undertaken by the City for the redevelopment, rehabilitation, or conservation of slum, blighted, deteriorating or deteriorated areas, including the relocation of occupants displaced by this or other governmental action; make application to the appropriate agencies of the Federal government and other public bodies for assistance to the City, the Local Public Agency, for financial assistance if it is determined that financial assistance is necessary; monitor and enforce the Cleveland Consumer Protection Code and educate providers as to their rights and responsibilities under federal, state and local laws and perform such other duties as may from time to time be required by ordinance of the Mayor, or by ordinance of Council.

Section 7. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, Section 137.02 of the Codified Ordinances of Cleveland, as amended by Ordinance No. 1266-02, passed December 26, 2003, is repealed.

Section 8. That Section 159.01, as amended by Ordinance No. 729-72, passed December 26, 2003, is amended to read as follows:

Section 159.01 Fair Housing and Consumer Affairs Board

There is established a Fair Housing and Consumer Affairs Board which shall consist of five members: one (1) appointed by the Mayor; one (1) appointed by the Council; and three (3) members appointed by the Mayor and confirmed by Council. The Board shall be composed of persons who are not elected or appointed by the City, and the Board shall elect from among its members a Chairperson. The term of each member shall be three (3) years.

Section 9. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976, are amended by Ordinance No. 125-82, passed December 26, 1982:

Sections 641.04 and 641.05, as enacted by Ordinance No. 729-72, passed June 26, 1972.

Sections 643.04, as amended by Ordinance No. 125-82, passed December 26, 1982.

Sections 643.06, as amended by Ordinance No. 1345-01, passed December 10, 2001.

Sections 643.07 and 643.08, as enacted by Ordinance No. 729-72, passed June 26, 1972.

Sections 643.11, as amended by Ordinance No. 1459-01, passed December 10, 2001.

Sections 643.12, as enacted by Ordinance No. 729-72, passed June 26, 1972.

Sections 645.02, 645.03, and 645.03, as enacted by Ordinance No. 709-74, passed July 29, 1974.

Sections 647.07, as enacted by Ordinance No. 2269-74, passed June 30, 1974.

Sections 649.03, as enacted by Ordinance No. 614-74, passed June 24, 1974.

Sections 651.03, as amended by Ordinance No. 1460-74, passed August 10, 1974.

Sections 653.05, as enacted by Ordinance No. 729-72, passed April 22, 2002.

Sections 665.02, as amended by Ordinance No. 1266-02, passed November 30, 2009.
Section 665.10, as amended by Ordinance No. 295-08, passed April 7, 2008.


Section 665.13, as amended by Ordinance No. 295-08, passed April 7, 2008.


Section 665.19 as amended by Ordinance No. 1081-01, passed June 19, 2001, and Sections 667.012 and 667.013, as amended by Ordinance No. 162-A-2000, passed December 4, 2008, are amended to read as follows:

Section 173.67 Fair Housing and Consumer Affairs Board

The salaries of the members of the Fair Housing and Consumer Affairs Board shall be four thousand five hundred dollars ($4,500.00) per annum, except that the member designated as Chairman shall receive additional compensation of five hundred and seventy-five dollars ($575.00) per annum.

Section 641.04 Fair Housing and Consumer Affairs Board

“Fair Housing and Consumer Affairs Board” means the five-member Board established and defined in Section 159.01.

Section 641.05 Manager

“Manager” means the Manager of the Office of Fair Housing and Consumer Affairs, whenever used in this Code, unless specifically defined otherwise.

Section 643.04 Personnel

The Manager of Fair Housing and Consumer Affairs shall supervise such personnel as are needed to ensure the successful administration of this Code. Such personnel shall carry out the direction of the Manager in all matters relating to the enforcement of this Code and shall aid and assist the Manager in the efficient discharge of his or her duties.

Section 643.06 Rules and Regulations

The Manager of Fair Housing and Consumer Affairs is authorized to supervise the test and direction of the Mayor and after having consulted with the Fair Housing and Consumer Affairs Board, and after having held a public hearing affording interested persons an opportunity to be heard, may adopt, amend or alter written rules and regulations of this Code to protect consumers, including regulations defining specific unfair and unconscionable trade practices. Such rules and regulations must be reviewed by the Director of Law and shall not conflict with nor waive any provisions of this Code or any ordinance of the City, or be inconsistent with the rules, regulations and decisions of the Federal Trade Commission, the laws of the State or the decisions of Federal and state courts relating thereto nor shall they be the basis for criminal prosecutions for violations of this Code. Such rules and regulations and amendments thereto and alterations thereof shall become effective after two successive publications in the City Record. No rule or regulations adopted, amended or altered or of any effect without the prior approval and consent of Council.

Section 643.07 Notice of Public Hearing on Proposed Rules

Prior to the promulgation or amendment or alteration of any rule or regulation, the Manager of Fair Housing and Consumer Affairs shall give at least fourteen days’ notice of his intent to file for publication in the City Record setting forth the date, time and place of a public hearing at which the proposed rules or regulations to be acted upon.

Section 643.08 Tests to Determine Violations

The Manager of Fair Housing and Consumer Affairs is authorized to conduct or cause to be conducted any tests which in his judgment may aid in demonstrating that violations of this Code have been or are likely to be committed. The Manager shall require that all tests be conducted by reputable, qualified personnel and that written reports be submitted to him in all such tests. If the report substantiates that a violation of this Code exists, the person responsible for such violation shall pay all costs for conducting the tests.

Section 643.11 Enforcement Actions and Consumer Remedies

(a) All legal actions initiated by the Manager of Fair Housing and Consumer Affairs to enforce this Code shall be brought by the Director of Law upon written request by the Manager of Fair Housing and Consumer Affairs. In addition to recovery of fines as provided by this Code, actions may be brought for injunctive relief in any court of competent jurisdiction to restrain a person from violating this Code or the rules or regulations pursuant thereunder, and to restrain a merchant from engaging in unfair, deceptive, fraudulent or unconscionable conduct with consumers. To establish a cause of action under this Code it need not be shown that consumers are being or were actually damaged.

(b) The City or any person aggrieved by a violation of Title III, Consumer Protection Code, may at any time within six months from the date of the alleged violation or within a reasonable time after the consumer discovers or should have discovered the violation, whichever is later, may bring an action in any court of competent jurisdiction for appropriate relief, including but not limited to:

(1) injunctive relief or an order otherwise compelling compliance with this Code;

(2) compensatory damages which may be trebled if the act, omission or practice violates Sections 641.11 or 641.12, and/or punitive damages; (3) such other or further relief as is appropriate for the enforcement of this Code and elimination and prevention thereof; and

(c) The court may order to the City or the complaint of reasonable attorneys’ fees and costs of litigation, and the City shall recover its reasonable costs of investigation of the violation.

Section 643.12 Cease and Desist Orders

If the Manager has reason to believe that a person has violated this Code, he may order such person to cease and desist from engaging in such violations or from engaging in unfair, deceptive, fraudulent or unconscionable conduct. If after the order is made, a written request for hearing is filed with the Director and no hearing is held within thirty days thereafter, the order is rescinded. Any order is rescinded after a full hearing by the Director, and any order if no hearing is requested within thirty days shall become a lawfully made final order which is not subject to judicial review at law.

Section 645.02 Display of Prescription Drug Prices

Every pharmacy must post at each counter over which prescription drugs are sold, a list conspicuously displaying the current selling price of the drugs by their common generic and brand names designated in accordance with the provisions of this chapter.

Section 645.03 Regulations and Enforcement

The Manager of Fair Housing and Consumer Affairs shall promulgate regulations for enforcement of Sections 641.04, 641.11, and 643.06 designating those prescription drugs which because of the frequency with which they are prescribed, are subject to enforcement of this Code.

The Manager may exempt from such regulations such drugs as he finds that, because of the nature of such prescription drugs, that enforcement of Section 645.02 is unreasonably burdensome and unnecessary for adequate protection of consumers. The Manager shall promulgate such other regulations as shall be necessary to effectively enforce the purposes of this chapter, including but not limited to, requirements as to the manner of display of prescription drug prices and other information related to prescription drugs.

Section 645.04 Failure to Post Prices or Failure to Impress

Failure to post prices, as required in Section 645.02, constitutes an unconscionable trade practice under the provisions of Section 641.12, and is otherwise subject to all the legal remedies and penalties available to the Manager, who is authorized to enforce the provisions of this chapter.

Section 645.07 Extension of Time for Compliance

Any retail establishment which is unable to comply with this Code within the time set forth herein may apply to the Manager of Fair Housing and Consumer Affairs for permission to extend such time for compliance for an initial period not to exceed thirty days. Such retail establishment shall set forth, in as much detail as possible, the reasons for its inability to comply. The Manager may extend such period from time to time, upon such terms and conditions as he may deem reasonable, not to exceed ninety days in total.

Section 649.03 Failure to Post Prices: Enforcement

Failure to post prices as set forth in Sections 641.11 and 641.02 constitutes an unconscionable trade practice under the provisions of Section 641.12, otherwise subject to all of the legal remedies and penalties available to the Manager of Fair Housing and Consumer Affairs, who is authorized to enforce the provisions of this chapter.
Section 651.03 Enforcement; Exceptions

The Manager of Fair Housing and Consumer Affairs shall enforce the provisions of Section 651.02. The Manager may grant an extension of time for compliance with the section where written request supported by evidence of exceptional circumstances and substantial efforts to comply to the effective date would justify his finding that full compliance before the effective date would be impossible or create undue financial hardship in the particular instance.

Section 659.05 Enforcement

The Manager of Fair Housing and Consumer Affairs is charged with the enforcement of this chapter. The Manager shall promulgate such rules, regulations and procedures as he or she may deem necessary to aid in the administration and enforcement of the provisions of this chapter. For the purpose of enforcement of the provisions of this chapter, the Manager shall maintain a list of those business entities that have been determined to make predatory loans and lenders who make predatory loans. The Manager shall regularly distribute this listing to all City departments. This listing shall be made available to the public free of charge by request of the Manager of Fair Housing and Consumer Affairs. The Manager shall also maintain a list of HUD-certified housing agencies and shall make such list available upon request. The Manager of Fair Housing and Consumer Affairs may make findings with respect to predatory loans and lenders who make such loans based on recommendations made by a Consumer Advisory Council.

Section 665.02 Definitions

As used in this chapter:
(a) "Aggrieved person" includes any person who:
(1) is a declared minor or other person whose legal guardian has been removed who, or whose property, is in the process of securing legal custody of any individual who has not attained the age of eighteen years;
(2) is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.
(b) "Covered multi-family dwellings" means buildings consisting of four or more units.
(c) "Discriminatory housing practice" means any person who:
(1) claims to have been injured by an unlawful housing practice that is about to occur.
(2) housing intended for, and solely occupied by, persons 62 years of age or older;
(3) housing intended and operated for occupancy by at least one person 55 years of age or older per unit.
(d) "Discriminatory housing practice" means: (1) housing provided under any State or Federal assistance program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated for elderly persons (as defined in the State or Federal program);
(e) "Discriminatory housing practice" means any person who:
(1) housing provided under any State or Federal assistance program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated for elderly persons (as defined in the State or Federal program);
(f) "Discriminatory housing practice" means: (1) housing provided under any State or Federal assistance program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated for elderly persons (as defined in the State or Federal program);
(g) "Discriminatory housing practice" means any person who:
(1) housing provided under any State or Federal assistance program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated for elderly persons (as defined in the State or Federal program);
(h) "Discriminatory housing practice" means any person who:
(1) housing provided under any State or Federal assistance program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated for elderly persons (as defined in the State or Federal program);
(i) "Discriminatory housing practice" means any person who:
(1) housing provided under any State or Federal assistance program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated for elderly persons (as defined in the State or Federal program);
(j) "Discriminatory housing practice" means any person who:
(1) housing provided under any State or Federal assistance program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated for elderly persons (as defined in the State or Federal program).

Section 665.03 Duties; Responsibilities

The Fair Housing and Consumer Affairs Board shall:
(a) The Fair Housing and Consumer Affairs Board shall:
(b) The Fair Housing and Consumer Affairs Board shall:
(c) The Fair Housing and Consumer Affairs Board shall:
(d) The Fair Housing and Consumer Affairs Board shall:
(e) The Fair Housing and Consumer Affairs Board shall:
(f) The Fair Housing and Consumer Affairs Board shall:
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(q) The Fair Housing and Consumer Affairs Board shall:
(r) The Fair Housing and Consumer Affairs Board shall:
(s) The Fair Housing and Consumer Affairs Board shall:
(t) The Fair Housing and Consumer Affairs Board shall:
(u) The Fair Housing and Consumer Affairs Board shall:
(v) The Fair Housing and Consumer Affairs Board shall:
(w) The Fair Housing and Consumer Affairs Board shall:
(x) The Fair Housing and Consumer Affairs Board shall:
(y) The Fair Housing and Consumer Affairs Board shall:
(z) The Fair Housing and Consumer Affairs Board shall:
have the responsibility to administer the provisions of this chapter and to investigate complaints alleging violations of any section. The Board shall have and may exercise the powers to implement the purposes of this chapter:

(a) to establish rules and regulations as necessary or desirable for the protection of the aggrieved party and to carry out the purposes of this chapter;

(b) to adopt such rules and regulations as the Board may deem necessary or desirable for the protection of the aggrieved party and to carry out the purposes of this chapter;

(c) to do such other acts as are necessary to perform the functions of the Board and to provide for the enforcement of this chapter;

(d) to exercise such powers as are necessary and proper to perform the functions of the Board and to provide for the enforcement of this chapter;

(e) to collect, analyze and study the results of investigations made under this chapter and report to the Mayor and City Council on or before the last day of each regular calendar year on the working of this chapter for the purpose of advising on and recommending amendments to this chapter;

(f) to conduct a continuing program of education and community outreach to publicize the provisions of this chapter;

(g) to initiate an investigation under Section 665.07 Investigation of Complaints where a complaint has been received by the Board and is considered to be a violation of this chapter;

(h) to enter into cooperative arrangements with other governmental or private agencies, as appropriate;

(i) to ensure the full enjoyment of the rights granted by this chapter.

Section 655.07 Investigation of Complaints

(a) Any aggrieved person may file a complaint, provided that the aggrieved person shall state the name and address of the aggrieved party (the “complainant”), the name and address of the person(s) alleged to have committed a violation of Section 665.03 (the “respondent”), a description and address of the property involved in the discriminatory incident including any facts and the time and date of any incident and the particular facts and obligations and choice of forum necessary and proper to perform the functions of this chapter; the provisions of the complaint, provided a majority of the Board elects to proceed based upon the complaint; provided a majority of the Board elects to proceed based upon the complaint.

(b) Within ten (10) days after a complaint has been received by the Fair Housing and Consumer Affairs Board, the Board shall cause a copy of the complaint to be mailed to the respondent, in writing, of his or her designee or designees and the respondent alleged to have committed a violation of Section 665.03. The Board shall serve a notice identifying the practice and advising the additional persons as the Board may deem necessary or desirable for the protection of the aggrieved party and to carry out the purposes of this chapter.

(c) Within ten (10) days after identification of an additional respondent under this section, the Fair Housing and Consumer Affairs Board shall serve a notice identifying the alleged discriminatory housing practice and advising the additional respondent of the procedural rights and obligations of respondent and the complaint described in this section, and a copy of the original complaint.

Section 655.08 Conciliation Process

(a) During the period beginning with the filing of such complaint and ending with the date of the conciliation conference at least ten (10) days prior thereto, the parties may attempt to resolve the complaint by agreement unless subject to appeal by the parties subject to approval by the Board. The terms of the conciliation agreement shall be made public unless the parties agree otherwise. The terms of the conciliation agreement shall be made public unless the parties agree otherwise. The terms of the conciliation agreement shall be made public unless the parties agree otherwise. The terms of the conciliation agreement shall be made public unless the parties agree otherwise. The terms of the conciliation agreement shall be made public unless the parties agree otherwise.

(b) The Manager of the Fair Housing and Consumer Affairs Board may on his or her own motion or upon request of the aggrieved party or the respondent, in writing, refer the complaint to the Fair Housing and Consumer Affairs Board for a hearing, under Section 665.09, and thereafter only with the written consent of the parties.

(c) The Manager of the Fair Housing and Consumer Affairs Board may on his or her own motion or upon request of the aggrieved party or the respondent, in writing, refer the complaint to the Fair Housing and Consumer Affairs Board for a hearing, under Section 665.09, and thereafter only with the written consent of the parties.

(d) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(e) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(f) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(g) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(h) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(i) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(j) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(k) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(l) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(m) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(n) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(o) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(p) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(q) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(r) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(s) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(t) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(u) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(v) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(w) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(x) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(y) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

(z) If the conciliation agreement is not completed within the time period specified in subsection (c) of this section, it may be terminated.

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Section 665.09 Hearings
(a) After the complaint is received by the Fair Housing and Consumer Affairs Board pursuant to division (a)(1) of Section 665.07, the Fair Housing and Consumer Affairs Board shall, upon due and reasonable notice delivered to the complainant and the respondent, hold a hearing on the complaint. Parties to the hearing shall be the complainant, the respondent, and such other persons as the Fair Housing and Consumer Affairs Board may deem appropriate. The hearing shall be open to the public. At the time it determines to hold such hearing, the Fair Housing and Consumer Affairs Board shall serve upon the respondent and all parties having knowledge of named persons and the production of relevant documents and records.
(b) At any time prior to the conclusion of the hearing, the parties may request the Fair Housing and Consumer Affairs Board to issue subpoenas for individuals or documents in the Fair Housing and Consumer Affairs Board's possession to comply with a summons or subpoena. The parties shall have the right to present evidence and to cross-examine witnesses, and all testimony and evidence shall be given under oath or affirmation.
(c) If a charge is issued under Section 665.07(a)(1), either the complainant or the respondent, in lieu of participating in the administrative process, as outlined in this Section 665.09, may elect to have the case heard in a civil action. Such civil action shall be maintained on behalf of the aggrieved person at the expense of the Fair Housing and Consumer Affairs Board. Such election must be made within twenty (20) days after the receipt of the charge.
Section 665.10 Hearing Decisions
(a) Within thirty (30) days of the close of the hearing, the Fair Housing and Consumer Affairs Board shall deliver its decision, which shall be in the form of a written order and which shall include findings of fact and a determination as to whether the respondent has violated or was about to violate Section 665.03, and any remedial actions ordered by the Fair Housing and Consumer Affairs Board may order under Section 665.10 shall be rendered in the form of a written order and which shall be delivered to the complainant and/or attorneys' fees and costs incurred by the complainant and/or Fair Housing and Consumer Affairs Board; and/or the City; court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Fair Housing and Consumer Affairs Board.
(3) initiating proceedings based on violation of federal or state law and/or regulations;
(4) initiating proceedings with any criminal authority, in the case of any violation of Section 665.03 by respondent in the course of performing under a contract or sub-contract with the State or any political subdivision or agency, or with the United States or any or any agent or instrumentality, for the purposes of such section and the denial raises an issue of public policy, the Fair Housing and Consumer Affairs Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction on behalf of the City. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter.
Section 665.11 Injunctive Relief
(a) After the hearing, the Fair Housing and Consumer Affairs Board may, in the City's Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from causing any act which would render ineffective or avoid or reduce the effective relief by the Fair Housing and Consumer Affairs Board.
Section 665.12 Remedial Actions
(a) The Fair Housing and Consumer Affairs Board finds that the respondent has violated or was about to violate Section 665.03, its order under Section 665.10 shall dismiss the complaint.
(b) The Fair Housing and Consumer Affairs Board may deem appropriate. The hearing shall be open to the public. At the time it determines to hold such hearing, the Fair Housing and Consumer Affairs Board shall serve upon the respondent and all parties having knowledge of named persons and the production of relevant documents and records.
(c) If a charge is issued under Section 665.07(a)(1), either the complainant or the respondent, in lieu of participating in the administrative process, as outlined in this Section 665.09, may elect to have the case heard in a civil action. Such civil action shall be maintained on behalf of the aggrieved person at the expense of the Fair Housing and Consumer Affairs Board. Such election must be made within twenty (20) days after the receipt of the charge.
(d) Nothing in this chapter shall be construed to prevent the City, at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter.
(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Common Pleas Court of the City of Cleveland as provided by law.

Section 665.13 Pattern or Practice of Discrimination
Whenever the Fair Housing and Consumer Affairs Board has reasonable cause to believe that any person or persons are engaged in a pattern or practice of resistance to any person's or persons' full enjoyment of the rights granted by Section 665.03, the Board may, after due notice, commence a civil action in a court of competent jurisdiction in the State of Ohio, where applicable, to enjoin such person or persons from engaging in any pattern or practice of resistance to any person's or persons' full enjoyment of the rights granted by Section 665.03, and any remedial actions ordered by the Fair Housing and Consumer Affairs Board may order under Section 665.10 shall be rendered in the form of a written order and which shall be delivered to the complainant and/or attorneys' fees and costs incurred by the complainant and/or Fair Housing and Consumer Affairs Board; and/or the City; court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Fair Housing and Consumer Affairs Board.

Section 665.30 Penalty
(a) Whoever violates division (b) of Section 665.09 of this chapter is guilty of a misdemeanor of the third degree.
(b) Whoever violates Section 665.13 of this chapter shall be guilty of a misdemeanor of the first degree.
(c) The Fair Housing and Consumer Affairs Board may, upon reasonable notice, cause any criminal proceeding arising out of a violation of this chapter, to be instituted by the Board to the Common Pleas Court of the City of Cleveland as provided by law.
Affairs Board in the time, manner and form prescribed under Section 665.07, and complainants of unlawful practices under Section 665.03. The Fair Housing and Consumer Affairs Board shall have the same powers, duties and responsibilities with respect to a complaint alleging a violation of Section 667.01 as it has under Sections 665.05 through 665.10 with respect to a complaint alleging a violation of Section 665.03, except as may be inapplicable or required by the context or by law.

Section 667.01 Remedies and Relief

The City, the Fair Housing and Consumer Affairs Board, any person aggrieved by a violation of Section 667.01 may invoke the remedies and relief for violation of Section 667.01 as they have under Section 665.11 through Section 665.13, except as may be inapplicable or required by the context or by law.

Section 10. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references to the Department of Consumer Affairs, to the Office of Consumer Affairs, to the Manager of Fair Housing and Consumer Affairs, and to the Commissioner of Real Estate, Division of Real Estate to read “Division of Neighborhood Development”, and any references to the Commissioner of Real Estate shall be amended to read “Division of Neighborhood Development”.

Section 11. That the Clerk of Council is authorized when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references to the Department of Consumer Affairs to “Manager of Fair Housing and Consumer Affairs”, Department of Consumer Affairs to read “Office of Fair Housing and Consumer Affairs”, any references to the Division of Real Estate to read “Division of Neighborhood Development”, and any references to the Commission of Real Estate shall be amended to read “Division of Neighborhood Development”.

Section 13. That the Clerk of Council is authorized when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references to the Department of Consumer Affairs, Community Relations, Community Development, Finance, Law; to the Department of Consumer Affairs, Community Relations, Community Development, Finance, Law; Committees on Community Development, Legislation, Finance.

Ord. No. 1330-10.

By Mayor Jackson.

An emergency ordinance to discontinue the Departments of Public Service and Parks, Recreation and Properties and the Divisions of Architecture, Research, Planning and Development, and Engineering and Construction by repealing various sections of Chapters 131 and 133, as amended and enacted by various ordinances; to repeal the remaining sections of Chapters 131 and 133, as amended and enacted by various ordinances; to create the Division of Neighborhood Development, and to supplement the codified ordinances by enacting new Sections 131.01 to 131.92.

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

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

Section 1. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79, the Departments of Public Service and Parks, Recreation and Properties, and the Divisions of Architecture, Engineering and Construction, and Research, Planning and Development are discontinued and the following sections of the Codified Ordinances of Cleveland, Ohio, 1976, are amended:

Section 131.01, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.02, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.03, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.04, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.05, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.06, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.07, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.08, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.09, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.10, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.11, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.12, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.13, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.14, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.15, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.16, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.17, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.18, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.19, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.20, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.21, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.22, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.23, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.24, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.25, as amended by Ordinance No. 63410-A, passed September 22, 1924,

Section 131.26, as amended by Ordinance No. 63410-A, passed September 22, 1924,
Section 131.01 Establishment of the Department of Public Works

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

Section 131.02 Duties of the Director of Public Works

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

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

Section 131.03 Office of Administration
There is established in the Department of Public Works an Office of Administration to be administered and controlled by a Manager of Administration, subject to the provisions of the Charter and Codified Ordinances of Cleveland, Ohio 1976 and the supervision of the Director of Public Works.

Section 131.04 Duties of the Manager of Administration
The Manager of Administration shall control and supervise all activities and personnel of the Office of Administration; shall coordinate departmental support for the various divisions of the Department of Public Works in the areas of personnel, legislation, budgeting, purchasing, information technology and in such additional areas as shall be determined by the Director of Public Works for the efficient operation of the Department; and shall perform such other duties as may from time to time be required by ordinance or by the Director of Public Works.

Section 131.05 Office of Special Events and Marketing
There is established in the Department of Public Works an Office of Special Events and Marketing to be administered and controlled by a Manager of Special Events and Marketing, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Public Works.

Section 131.06 Duties of the Manager of Special Events and Marketing
The Manager of Special Events and Marketing shall:
(a) make recommendations to the Director regarding the issuance and conditions of issuance for all permits governing special events occurring within the corporate boundaries of the city;
(b) prior to and during every special event, coordinate the permitting process of all city departments providing services to the special event;
(c) provide technical assistance and information to special event applicants;
(d) recommend to the Director appropriate risk management measures to protect the city during each special event;
(e) administer all special event concession agreements and all special event permits under this chapter excepting only those concession agreements which apply to property under the control of the Directors of Port Control and Public Utilities;
(f) have the authority to determine and require events promoters to provide essential services, including but not limited to, adequate on-site safety and traffic control, fire protection, first-aid services, sanitation and clean up; and
(g) preside over such special events steering committees of City personnel from more than one City department as may be appointed by the directors of the affected city departments and record all actions taken by the committees.

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

Section 131.29 Division of Recreation
There is established a Division of Recreation in the Department of Public Works, to be administered and controlled by a Commissioner of Recreation, subject to the Charter and ordinances of the City, and to the direction of the Director of Public Works.

Section 131.30 Duties of the Commissioner of Recreation
The Commissioner of Recreation shall have charge and management of all recreational property and activities of the City, including without limitation playgrounds, ballfields, tennis courts, skating rinks, Camp George L. Forbes and the operation and maintenance of all City golf courses. The Commissioner shall administer permits under the same terms and conditions as those set forth in Section 131.06 for the use of any property under his charge and management which is not subject to the authority of the Manager of Special Events under Sections 131.06 and 131.07. The Commissioner may enter into agreements with the owners of premises in the vicinity of City playgrounds for the storage of playground equipment on such terms and conditions as may be approved by the Board of Control.

Section 131.39 Division of Park Maintenance and Properties
There is established a Division of Park Maintenance and Properties in the Department of Public Works, which shall be administered and controlled by a Commissioner of Park Maintenance and Properties, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Public Works.

Section 131.40 Duties of the Commissioner of Park Maintenance and Properties
The Commissioner of Park Maintenance and Properties shall direct and assist managers and assistant managers in the Division of Park Maintenance and Properties in scheduling daily operations in all phases of ground maintenance for park and recreational areas and all other properties designated by the Director of Public Works. The Commissioner shall have charge and management of the City greenhouse, nurseries and cultural gardens, the operation and maintenance of all City cemeteries, and all aspects of the planting, maintenance, removal and disposal of trees, grass, shrubs, ground covers and other vegetation, except at the City golf courses.

Section 131.46 Division of Streets
There is established a Division of Streets in the Department of Public Works, which shall be administered and controlled by a Commissioner of Streets, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Public Works.

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Section 131.47 Duties of the Commissioner of Streets
The Commissioner of Streets shall supervise the work of other officers and employees in the Division of Streets; see that the streets and boulevards belonging to the City are kept clean and passable; repair and maintain all pavements and roadways in the streets and boulevards belonging to the City; clean gutters; preserve and care for all equipment, apparatus, supplies and other property of the City used in the operation of the Division; keep such records pertaining to the work of the Division as may be specifically required by ordinance or rule, or as may be necessary or useful in the efficient management of the Division.

Section 131.52 Division of Traffic Engineering
There is established in the Department of Public Works, a Division of Traffic Engineering to be administered and controlled by a Commissioner of Traffic Engineering, subject to the provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Public Works.

Section 131.53 Duties of the Commissioner of Traffic Engineering
The Commissioner of Traffic Engineering shall administer and supervise the affairs of the Division of Traffic Engineering and prepare drawings, standards and specifications; determine parking restrictions; set up time-space progressive movement signal charts; lay out parking restriction zones including, but not limited to, establishing parking meter zones on streets or parts thereof where parking meters shall be installed; lay out roadway markings; check plans for street changes, permits and all matters bearing on traffic safety; receive complaints and suggestions; make personal observations of traffic confusion and hazards; make factual studies from spot maps, collision and condition diagrams; make vehicle studies, speed studies, pedestrian studies, obedience checks, special observations, and parking studies; prepare and disseminate accident statistics; watch accident records, spot maps and high accident area lists; cooperate with safety organizations; submit detailed recommendations; prepare detailed plans and specifications; prepare publicity for proposed changes; follow through to see that recommendations are carried out; and make rechecks after changes have been made. The Commissioner of Traffic Engineering shall perform such other and further duties as Council or the Mayor from time to time require of him.

Section 131.57 Division of Waste Collection and Disposal
There is established in the Department of Public Works, a Division of Waste Collection and Disposal which shall be administered and controlled by a Commissioner of Waste Collection and Disposal subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Public Works.

Section 131.58 Duties of the Commissioner of Waste Collection and Disposal
The Commissioner of Waste Collection and Disposal shall supervise the work of other officers and employees in the Division of Waste Collection and Disposal; collect and dispose of waste and refuse as defined in Section 551.01 of the Codified Ordinances; provide for the collection of street and public waste from public receptacles; keep such records pertaining to the Division as may be necessary or useful in the efficient management of the Division.

Section 131.62 Division of Motor Vehicle Maintenance
There is established in the Department of Public Works, a Division of Motor Vehicle Maintenance, to be administered and controlled by a Commissioner of Motor Vehicle Maintenance, subject to the Charter and ordinances of the City, and to the supervision and direction of the Director of Public Works.

Section 131.63 Duties of the Commissioner of Motor Vehicle Maintenance
The Commissioner shall control and supervise the, procurement, custody, maintenance, repair and assignment for use of all motorized equipment of the Department, and render similar service to all other departments of the City government upon order of the Mayor or the written request of the director of such department. He shall advise and recommend the purchase of motorized equipment and assist the Commissioner of Purchases and Supplies in the purchase thereof. He shall keep all motorized equipment of the Department and of such other departments as ordered or requested under his custody and shall make such equipment available to the proper City employee under such rules and regulations as shall be established by the Board of Control, except that all motorized equipment of the Department of Public Utilities shall be subject to such rules and regulations as may be established by the Director of Public Utilities with the approval of the Mayor. He shall perform such further duties as may from time to time be required of him by ordinance or by the Director of Public Works.

Section 131.70 Division of Property Maintenance
There is established in the Department of Public Works, a Division of Property Management to be administered and controlled by a Commissioner of Property Management, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Public Works.

Section 131.71 Duties of the Commissioner of Property Maintenance
The Commissioner of Property Management shall be responsible for the listing, maintenance and utility servicing of all city-owned or leased real property and buildings, including without limitation:
(a) real estate management, including the creation and maintenance of property records for all acquisitions, sales and leases of City property not under the control of another city department; such property records shall indicate each property’s source, use, price, funding source, tax status, and legal descriptions;
(b) construction services, including general maintenance, warehouse and inventory, contracted services, heating, ventilation, air conditioning and mechanical work;
(c) building services, including custodial, space utilization, energy, environmental affairs, security and control, City Hall building, and multi-use facilities; and
(d) charge and management of the City’s East Side Market, including responsibility for maintenance of the Market.

Section 131.75 Division of Parking Facilities
There is established in the Department of Public Works, a Division of Parking Facilities to be administered and controlled by a Commissioner of Parking Facilities, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision and direction of the Director of Public Works.
Section 131.76 Duties of Commissioner of Parking Facilities
The Commissioner of Parking Facilities shall be responsible for the construction, maintenance and operation of all City offstreet parking facilities, including the Willard Park Garage, Burke Lakefront Airport parking facilities and all other such facilities not in charge of another department. He shall cause to be collected such charges and fees as may be established by the Board of Control and perform such other duties as Council or the Mayor may from time to time require of him.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting the following new Sections 131.07 to 131.12, 131.15 to 131.28, 131.31 to 131.38, 131.41 to 131.45, 131.48 to 131.51, 131.54 to 131.56, 131.59 to 131.61, 131.64 to 131.69, 131.72 to 131.74, and 131.77 to 131.92 to read as follows:

Section 131.07 Special Event Permits
For purposes of this Chapter, "special event" means a preplanned event or series of events of less than a week's duration, sponsored by a public or private person or entity, which is: (1) located wholly or partially on property which is owned or maintained by the City of Cleveland; or (2) located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree significantly over and above that which the City of Cleveland routinely provides under ordinary everyday circumstances.

(1) the economic impact of the special event on the Greater Cleveland economy as reflected in sales taxes, transient occupancy taxes, and admission taxes; (2) the extent to which the special event will preserve the City's recreational use immunity provided in RC 1533.181 on all property used for the special event; (3) the percentage of the special event gross revenues which will accrue to a charity or charities qualifying under Section 501(c)(3) of the Internal Revenue Code; (d) pay all costs, at scheduled rates as determined from time to time by the director of the affected department or designee and approved by the Board of Control, for services and equipment exceeding normal service levels incurred during a special event by the City's Department of Public Works; (e) pay such additional costs for services exceeding normal service levels incurred during the special event by other City departments at scheduled rates determined by the director of the affected department or his designee and approved from time to time by the Board of Control; (f) provide such services at the applicants' sole cost, including without limitation security and traffic control, crowd management, fire protection, food service control and inspection, waste and litter control, and any other services necessary to ensure than an event is conducted in a safe manner to protect the safety, health, property and general welfare of the City's citizens, as determined by the director of the affected department or his designee and approved by the Board of Control; and
Section 131.09 Exempted Special Events
Division (g) of Section 131.08 or any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, a member of Council may request an exemption for a special event for an event located outside of the members' ward if there is not a location in the members' ward suitable for the special event. This exemption shall not be considered as the exemption designated under division (g) of Section 131.08 of the Codified Ordinances.

Section 131.10 Reserved

Section 131.11 Reserved

Section 131.12 Reserved

Section 131.15 Concession Agreements for Rental of the Public Auditorium Building
(a) The Manager of Special Events and Marketing ("Manager") shall have the sole authority to enter into contracts to rent all or any portion of the Public Auditorium Building or Cleveland Browns Stadium. Every contract for renting all or any portion of the Public Auditorium Building shall be reduced to writing and shall contain all the terms and conditions of the agreement including without limitation, the exact amount and location of space to be granted, the amount of the rental therefor, and a separate charge or rate for any labor, materials, or equipment which is to be supplied by the City to the grantee.

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

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

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

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

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

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

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

Section 131.16 Rules and Regulations of the Manager of Special Events and Marketing
(a) The Manager of Special Events and Marketing ("Manager") shall have the authority to make, amend, alter or rescind rules and regulations governing use of the facilities of the Public Auditorium Building and Cleveland Browns Stadium not in conflict with the ordinances or laws regulating such conduct. The Manager may require in any rental agreement that the event be required to pay for or provide security personnel within and without the rental premises.

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

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

Section 131.17 Moneys From Operation of Public Auditorium Building and Cleveland Browns Stadium
All money which may be advanced by parties holding concession agreements, contracts or leases in the nature of concessions, and all other miscellaneous deposits, made in connection with the operation of the Public Auditorium Building and Cleveland Browns Stadium, and all moneys received from tickets shall be collected by the Public Auditorium Building under the supervision of the Director of Finance. All such moneys shall be brought to the office of the City Treasurer in City Hall.
Section 131.18 Accounting for Cleveland Browns Stadium
Notwithstanding any Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, all revenues derived from Cleveland Browns Stadium received by the City of Cleveland shall be deposited into a separate fund created by the Department of Finance solely for the purpose of accounting for all expenses and revenues associated with Cleveland Browns Stadium and all expenses to be paid by the City of Cleveland for the operation or maintenance of Cleveland Browns Stadium shall be paid from that separate fund.

Section 131.19 Withdrawal of Funds by Manager of Special Events and Marketing
All money deposited in a special trust fund account shall be withdrawn only on a warrant prepared and executed by the Manager of Special Events and Marketing, and approved by Director of Public Works, under which warrant a check may be drawn on the depository in which the special trust fund account is placed, in the manner prescribed by ordinance for the withdrawal of city funds from City depositories.

Section 131.20 Accrued Interest from Public Auditorium Building and Stadium Funds
Interest accruing on all such deposits, if any, shall be paid to the City Treasurer by the depository in which the same may be deposited at the same rate and in accordance with the terms of the depository agreement.

Section 131.21 Rental of Market Stalls
The Director of Public Works is directed to establish a schedule of prices for all the various parts and sections of the West Side Market as consideration for rental of spaces or of grant of right to use the same and to present such schedule in the form of legislation, to Council for review, approval, and modification, if necessary, no later than October 1 of each year. The Director shall take into consideration the relative value of the various spaces and parts of the building and may modify the schedule of prices yearly in accordance with such variation in value, if any, as may arise. Upon Council’s approval of such schedule of prices for the various parts and spaces in the Market House, the Director may rent such spaces or parts or grant the right to use the same for a period not to exceed one year. He may make such provision for renewal or extension of the rental right or grant as he may deem advisable from time to time for additional periods not exceeding one year each, upon notification to Council, providing that the option or right of renewal shall be exercisable only by the Director and not by the grantee. The Director is authorized to provide in the renting or granting of rights to the use of such part or space that the rental right or grant shall not be transferred or assigned by the grantee thereof to any other person without the consent, in writing, of the Director. Such right or grant may be revoked by the Director upon conviction of the grantee of violation of law or ordinances relating to weights and measures. Provisions shall be made by the Director for the payment of such rental at such regular times and at such place as may be by him deemed most advisable.

Section 131.22 Manager of West Side Market
The Director of Public Works shall appoint a Manager of the West Side Market, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Public Works, who shall be responsible for the management and administration of the City’s West Side Market.

Section 131.23 Property Adoption and Licensing
The Director may agree to allow, with the approval of the Board of Control, any business or other entity to maintain, improve, and adopt real estate belonging to the City and not in charge of another department; provided, however, that such real estate is no greater in area than 200 square feet and that the improvements are for solely for beautification of the real estate. Any business or entity adopting property shall be entitled to have such property designated in its name and the Director is authorized to evaluate and present awards to the best maintained property. The Director shall establish rules and regulations for property adoption. A copy of each proposed Property Adoption Agreement is to be provided to the Clerk of Council at least fourteen (14) days prior to approval by the Board of Control. Any such adoption shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of a privilege, revocable at will.

Section 131.24 Deposits for Use of Property
The issuance of a permit for the use of Municipal property under the supervision and control of the Department of Public Works or the use of such equipment or property, both real and personal, shall be secured by a deposit, in an amount equal to at least ten percent (10%) of the value of the equipment used and sufficient to guarantee performance or reimbursement for estimated costs of repair, replacement or return of secured property to its condition prior to use by the permittee, except where by reason of the nature of the project to be undertaken, the respective commissioner or manager of the division affected, with the approval of the Director of Public Works, has determined that it is impractical or unnecessary to require a deposit.

Section 131.25 Reserved
Section 131.26 Reserved
Section 131.27 Reserved
Section 131.28 Reserved

Section 131.31 Golf Course Rates
The Director of Public Works is authorized to collect following rates at municipal golf courses, provided, however, that the fees regarding banquet room rental at Highland Park may be amended from time to time by the Board of Control:

(a) Regular rates. To qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.
For City residents:

<table>
<thead>
<tr>
<th></th>
<th>Monday-Friday</th>
<th>Weekends</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 holes</td>
<td>$11.50</td>
<td>$12.00</td>
</tr>
<tr>
<td>18 holes</td>
<td>$22.00</td>
<td>$23.00</td>
</tr>
</tbody>
</table>

For non-City residents:

<table>
<thead>
<tr>
<th></th>
<th>Monday-Friday</th>
<th>Weekends</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 holes</td>
<td>$12.50</td>
<td>$13.00</td>
</tr>
<tr>
<td>18 holes</td>
<td>$24.00</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

(b) Senior rates: (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification. To also qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency and age by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.

<table>
<thead>
<tr>
<th></th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 holes</td>
<td>$8.00</td>
</tr>
<tr>
<td>18 holes</td>
<td>$15.00</td>
</tr>
</tbody>
</table>

(c) 18-Hole Special Rate: (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for the discounted green fee, a player would be required to rent a riding cart.

<table>
<thead>
<tr>
<th></th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular</td>
<td>$18.00</td>
</tr>
<tr>
<td>Senior</td>
<td>$14.00</td>
</tr>
</tbody>
</table>

(d) Junior rates: (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for junior rates, a player must be eighteen (18) years old or younger and must provide positive photo identification. To also qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency and age by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.

<table>
<thead>
<tr>
<th></th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 holes</td>
<td>Free</td>
</tr>
<tr>
<td>18 holes</td>
<td>$8.00</td>
</tr>
</tbody>
</table>

(e) Winter rates: To qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof. The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

<table>
<thead>
<tr>
<th></th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 holes</td>
<td>$10.00</td>
</tr>
<tr>
<td>18 holes</td>
<td>$19.00</td>
</tr>
</tbody>
</table>

(f) Additional 9 holes. Players under categories listed above who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(g) Tent Rental: $230.00

(h) Banquet Room Rental at Highland Park.

(1) All rental rates for the banquet room shall be set by the Board of Control, which shall include rental schedules for City residents and non-City residents.
(2) Rental rates shall be based on a four (4) hour period, which will include at no charge up to one (1) hour before the event for set-up and up to one (1) hour after the event for clean-up. Any events, not including the above-referenced set-up and clean-up times, exceeding the four (4) hour period, shall be charged for each additional hour, or portion of an hour, used. Rental rates for the room, including additional charges for exceeding the four (4) hour period, shall be set by the Board of Control. The banquet room closes at 12:00 a.m. on Friday through Sunday and Holidays and at times determined by the Commissioner of Recreation on Monday through Thursday. All events shall end one-half hour before the facility closes. The City’s Concessionaire shall be used exclusively to provide food and beverages for all catered events, unless the Director approves the use of an independent caterer. All beverages, including alcoholic beverages, shall be purchased from the City or the City’s Concessionaire. Security is to be provided through the Village of Highland Hills Police Department and it is the responsibility of the group renting the banquet room to arrange and pay for such security, as billed by the Village of Highland Hills Police Department.

(3) Rental of the banquet room for golf outings. The golf outing must conclude one-half hour before the golf course closing time. Events exceeding the four (4) hour rental period described above, are subject to additional charges. If the event is to be catered by the City’s Concessionaire, the rental fee for the room for a maximum period of four (4) hours, shall be included in the caterer’s per-person meal cost.

(4) Golf leagues established for the season at Highland or Seneca golf courses may use the banquet room at no charge once per golf season. Events shall be held Monday through Friday and shall conclude by 5:00 p.m.

(j) Net proceeds from fees collected at the Highland and Seneca Golf Courses shall be expended for facility improvements at the golf courses.

Section 131.32 Rental Fees for Camp George Forbes

(a) The Commissioner of Recreation may allow private parties to rent Camp George Forbes provided that said parties secure a permit from the Director under Section 131.07 and pay the fees specified in division (b) of this section.

(b) The Director of Public Works shall assess and collect the following fees for the rental of Camp George Forbes:

<table>
<thead>
<tr>
<th>Description</th>
<th>City Residents</th>
<th>Non-City Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Great Room Rental:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monday-Friday: 9:00 a.m. to 3:00 p.m.</td>
<td>$ 250.00</td>
<td>$ 275.00</td>
</tr>
<tr>
<td>Monday-Friday: 5:00 p.m. to 12:00 a.m.</td>
<td>$ 400.00</td>
<td>$ 440.00</td>
</tr>
<tr>
<td>Saturday-Sunday: All Day</td>
<td>$ 400.00</td>
<td>$ 440.00</td>
</tr>
<tr>
<td>(2) Great Room and Class Room A Rental:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monday-Friday: 9:00 a.m. to 3:00 p.m.</td>
<td>$ 300.00</td>
<td>$ 330.00</td>
</tr>
<tr>
<td>Monday-Friday: 5:00 p.m. to 12:00 a.m.</td>
<td>$ 500.00</td>
<td>$ 550.00</td>
</tr>
<tr>
<td>Saturday-Sunday: All Day</td>
<td>$ 500.00</td>
<td>$ 550.00</td>
</tr>
<tr>
<td>(3) Class Room A Rental:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monday-Friday: 9:00 a.m. to 3:00 p.m.</td>
<td>$ 250.00</td>
<td>$ 275.00</td>
</tr>
<tr>
<td>Monday-Friday: 5:00 p.m. to 12:00 a.m.</td>
<td>$ 400.00</td>
<td>$ 440.00</td>
</tr>
<tr>
<td>Saturday-Sunday: All Day</td>
<td>$ 400.00</td>
<td>$ 440.00</td>
</tr>
<tr>
<td>(4) Class Room B or C Rental:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monday-Friday: 9:00 a.m. to 3:00 p.m.</td>
<td>$ 250.00</td>
<td>$ 275.00</td>
</tr>
<tr>
<td>Monday-Friday: 5:00 p.m. to 12:00 a.m.</td>
<td>$ 400.00</td>
<td>$ 440.00</td>
</tr>
<tr>
<td>Saturday-Sunday: All Day</td>
<td>$ 400.00</td>
<td>$ 440.00</td>
</tr>
<tr>
<td>(5) Dining Hall Room Rental:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monday-Friday: 9:00 a.m. to 3:00 p.m.</td>
<td>$ 300.00</td>
<td>$ 330.00</td>
</tr>
<tr>
<td>Monday-Friday: 5:00 p.m. to 12:00 a.m.</td>
<td>$ 550.00</td>
<td>$ 605.00</td>
</tr>
<tr>
<td>Saturday-Sunday: All Day</td>
<td>$ 550.00</td>
<td>$ 605.00</td>
</tr>
<tr>
<td>(6) Picnic Shelter Rental</td>
<td>$ 220.00</td>
<td>$ 265.00</td>
</tr>
<tr>
<td>(7) Cabin Rental:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Friday 5:00 p.m. through Saturday 12:00 p.m.</td>
<td>$ 750.00 &amp; $ 850.00</td>
<td></td>
</tr>
<tr>
<td>Minimum of six (6) cabins</td>
<td>$ 100.00</td>
<td>$ 100.00</td>
</tr>
<tr>
<td>Ten (10) cabin package</td>
<td>$ 1,000.00</td>
<td>$ 1,100.00</td>
</tr>
<tr>
<td>B. Saturday 12:00 p.m. through Sunday 12:00 p.m.</td>
<td>$ 880.00 &amp; $ 970.00</td>
<td></td>
</tr>
<tr>
<td>Minimum of six (6) cabins</td>
<td>$ 125.00</td>
<td>$ 125.00</td>
</tr>
<tr>
<td>Ten (10) cabin package</td>
<td>$ 1,100.00</td>
<td>$ 1,210.00</td>
</tr>
<tr>
<td>C. Friday 5:00 p.m. through Sunday 12:00 p.m.</td>
<td>$ 1,370.00 &amp; $ 1,510.00</td>
<td></td>
</tr>
<tr>
<td>Minimum of six (6) cabins</td>
<td>$ 170.00</td>
<td>$ 170.00</td>
</tr>
<tr>
<td>Ten (10) cabin package</td>
<td>$ 1,700.00</td>
<td>$ 1,870.00</td>
</tr>
<tr>
<td>D. Weekend package:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>includes ten (10) cabins and use of Dining Hall</td>
<td>$ 2,000.00 &amp; $ 2,200.00</td>
<td></td>
</tr>
</tbody>
</table>
(8) Swimming Pool Rental:

<table>
<thead>
<tr>
<th></th>
<th>Before 2004</th>
<th>After 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Pool only</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>B. Pool with a room or cabin rental</td>
<td>$150.00</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

(c) City of Cleveland certified lifeguards must be provided by the parties renting the pool with minimum of one lifeguard per 35 participants. Lifeguard rate is $32.00 per guard.

(d) Rental of any part of the facility is based on a four-hour period including two hours prior to event for set up. There is a charge of $50.00 per hour for each additional hour.

(e) In instances where private security services are required, it is the responsibility of the party renting the facility to provide such service. Security guards may be a member of a police department as defined in Revised Code Section 4117.01 (M) or be a person engaged for hire as a watchman, guard, private policeman or other person whose primary duty is to protect persons or property or both and is a class A or C licensee under Chapter 4749 of the Revised Code or a registered employee of the same and meets all requirements imposed by that Chapter, and also meets all requirements that may be imposed by Chapter 109 of the Revised Code and Chapter 709 of the Codified Ordinances of Highland Hills. It is the responsibility of the party renting the facility to ensure that such requirements are met.

Section 131.33 Rental of Halloran Skating Rink

(a) The Commissioner of Recreation may allow private parties to rent Halloran Skating Rink during any period when Division of Recreation programs are not scheduled or in progress provided that said parties secure a permit from the Director under Section 131.07 and pay the fees specified in division (b) of this section.

(b) The Director of Public Works shall assess and collect the following fees and charges for the rental of Halloran Skating Rink:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Permit application, under Section 131.07</td>
<td>$10.00</td>
</tr>
<tr>
<td>(2) Fee for rental of rink</td>
<td>N/A</td>
</tr>
<tr>
<td>(3) Personnel and operating expenses</td>
<td>$8.00 per hour</td>
</tr>
<tr>
<td>(4) Utility charges</td>
<td>$32.00 per hour</td>
</tr>
</tbody>
</table>

(c) The Director of Public Works shall deposit the fees and charges collected for the rental of Halloran Skating Rink into the fund or funds designated to pay the costs of the general operation of the skating rink, the equipment and maintenance costs associated with maintaining the skating rink, and for skating rink facility improvements and that these funds collected may be used for and are appropriated for these purposes.

(d) During any period when Division of Recreation programs are not scheduled or in progress, the Commissioner of Recreation shall allow branches, departments, offices, and groups of the City of Cleveland to use Halloran Skating Rink provided that such groups pay one-half of the permit application, personnel and operating expenses, and utility charge fees specified in division (b) of this section. The Director of Public Works shall not require more than five days prior notice to obtain the permit required by Section 131.07.

Section 131.34 Rental Fees for Recreation Center Use

(a) The Commissioner of Recreation may allow private parties to rent recreation center community or meeting rooms during regular operational hours provided that the parties pay the fees specified in division (c) of this section. The Commissioner of Recreation may allow the following private groups to rent at no cost recreation center community or meeting rooms during regular operational hours provided that the room will not be used to raise money for political campaigns or political issues:

(1) Branches, departments or offices of the City of Cleveland if the event furthers the functions or goals of that branch, department or office.

(2) Non-profit organizations and neighborhood organizations, such as block clubs, street clubs and ward clubs, located within the City of Cleveland if the purpose of the event is to address providing or supporting direct health and welfare services to individuals or to address safety, building or housing issues.

(3) Schools located within the City of Cleveland if the event furthers an educational or recreational purpose.

(b) The Commissioner of Recreation may allow private parties to rent recreation center community or meeting rooms before or after regular operational hours provided that the parties pay the fees specified in division (c) of this section.

(c) The Director of Public Works shall assess and collect the following fees for rental of recreation center community or meeting rooms:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) During regular operational hours in 2003, sixty-five dollars ($65.00) per hour per staff person required.</td>
<td>$65.00 per hour</td>
</tr>
<tr>
<td>(2) During regular operational hours in 2004, sixty-eight dollars ($68.00) per hour per staff person required.</td>
<td>$68.00 per hour</td>
</tr>
<tr>
<td>(3) Before or after regular operational hours in 2003, eighty dollars ($80.00) per hour per staff person required.</td>
<td>$80.00 per hour</td>
</tr>
<tr>
<td>(4) Before or after regular operational hours in 2004, eighty-four dollars ($84.00) per hour per staff person required.</td>
<td>$84.00 per hour</td>
</tr>
</tbody>
</table>

(d) The Commissioner of Recreation may allow private parties to rent portions of the recreation centers for recreation uses before or after regular operational hours provided that the parties pay the fees specified in division (f) of this section.

(e) The Commissioner of Recreation may allow the groups identified in division (a)(1), (a)(2), and (a)(3) of this section to rent portions of the recreation centers for recreation uses before or after regular operational hours provided that the parties pay one-half of the fees specified in division (f) of this section.

(f) The Director of Public Works shall assess and collect the following fees for rental of portions of the recreation centers for recreation uses:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) In 2003, eighty dollars ($80.00) per hour per staff person required.</td>
<td>$80.00 per hour</td>
</tr>
<tr>
<td>(2) In 2004, eighty-four dollars ($84.00) per hour per staff person required.</td>
<td>$84.00 per hour</td>
</tr>
</tbody>
</table>

(g) The Commissioner of Recreation may allow the Cuyahoga County Board of Elections to rent at no cost recreation center community or meeting rooms or any portions of the recreation centers before, during or after regular operational hours for voting purposes.

(h) Any party renting a portion of a recreation center under this section shall also secure a permit from the Director under Section 131.07 and shall pay any fee required for that permit.
Section 131.35 Rental of Athletic Complexes

(a) The Director of Public Works, or his designee, may rent the Collinwood Athletic Complex, the Morgana Athletic Complex, and any other City of Cleveland athletic complexes, when available, as long as a permit is secured under Section 131.07 and the fees specified in this section are paid.

(b) The Director, or his designee, shall assess and collect the following fees and charges for the rental of Athletic Complexes:

1. Athletic Complex rental $2,000.00
2. If lights are required during any portion of the sporting or athletic event, an additional $100 per hour will be charged at the time the permit is issued. The City will bill for any additional lighting costs not collected at the time the permit was issued.
3. Rental of the complex is based on a five-hour period. The City will bill for any additional labor costs for use beyond a five-hour period if those costs were not collected at the time the permit was issued.

(c) In cases where private security services are determined to be necessary by the Director, or his designee, it is the responsibility of the party renting the complex to provide the services, using a security service approved by the Director, or his designee.

(d) Any party renting the complex will be required to provide $1 million liability and property damage insurance naming the City of Cleveland as an additional insured.

(e) Any party renting the complex will be required to provide emergency medical personnel for any athletic competition.

(f) All proceeds from gate collections will go to the party renting the facility.

(g) All concessions will be operated by the City of Cleveland or its designated vendor.

(h) The Director shall deposit the fees and charges collected for the rental of the complex into the fund or funds designated to pay the costs of the general operation of the complex, the equipment and maintenance costs associated with maintaining the complex, and for improvements to the complex. The funds collected may be used for and are appropriated for these purposes.

(i) After securing the necessary permit under Section 131.07 of these codified ordinances, the Director, or his designee, may allow the Cleveland Muny Football League and the Cleveland Metropolitan School District to rent Athletic Complexes for games, scrimmages, or practices, without being assessed the fees and charges specified in division (b) of this section.

Section 131.36 Reserved

Section 131.37 Reserved

Section 131.38 Reserved

Section 131.41 Greenhouse, Rockefeller Park and Cultural Gardens

(a) The Director of Public Works shall assess and collect fees for the use of the City Greenhouse, Rockefeller Park and Cultural Gardens under the following schedule for City Residents:

1. (1) Photo shoots (a maximum of 4 hours) $ 75.00
2. (2) Wedding ceremonies and photo shoots (a maximum of 4 hours) $150.00

(b) The Director of Public Works shall assess and collect fees for the use of the City Greenhouse, Rockefeller Park and Cultural Gardens under the following schedule for non-City Residents:

1. (1) Photo shoots (a maximum of 4 hours) $100.00
2. (2) Wedding ceremonies and photo shoots (a maximum of 4 hours) $175.00

Section 131.42 Cemetery Rates

The Commissioner of Park Maintenance and Properties shall collect the following charges for services, space and supplies at City-owned cemeteries:

<table>
<thead>
<tr>
<th>CEMETERY RATES:</th>
<th>Mon.-Fri.</th>
<th>Sat.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult grave</td>
<td>$371.00</td>
<td>$371.00</td>
</tr>
<tr>
<td>Interment</td>
<td>$37.00</td>
<td>506.00</td>
</tr>
<tr>
<td>Total</td>
<td>708.00</td>
<td>877.00</td>
</tr>
<tr>
<td>Baby grave (container of 4 feet or less)</td>
<td>198.00</td>
<td>198.00</td>
</tr>
<tr>
<td>Interment</td>
<td>94.00</td>
<td>141.00</td>
</tr>
<tr>
<td>Total</td>
<td>292.00</td>
<td>249.00</td>
</tr>
</tbody>
</table>

(b) Lot sections

1. (1) Flush marker sections
   - One grave $ 594.00
   - Family Lot (Two Graves) 1,188.00
   - Interment 506.00 759.00

2. (2) Raised marker section
   - One Grave 714.00
   - Family Lot (Two Graves) 1,428.00
   - Interment 506.00 759.00
### Interment in lot sections

<table>
<thead>
<tr>
<th>Section</th>
<th>Adult grave</th>
<th>Extra deep (depth of 8 feet)</th>
<th>Interment on top of extra deep</th>
<th>Baby grave or still born on top</th>
<th>Cremated remains in urn</th>
<th>Cremated remains in vault</th>
<th>Placement of additional remains in casket at time of burial (recording fee)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>506.00</td>
<td>621.00</td>
<td>506.00</td>
<td>94.00</td>
<td>216.00</td>
<td>270.00</td>
<td>94.00</td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>E</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Urn garden section

| (1) Single plot grave | 243.00 |
| (2) Interment (includes marker setting and vault) | 297.00 |

### Veteran Section Interment

<table>
<thead>
<tr>
<th>Saturday burials</th>
<th>1 times the interment charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Interment</td>
<td>337.00</td>
</tr>
</tbody>
</table>

### Memorial parks:

| (1) Adult (Infirmary burial — City or County) | 371.00 |
| (2) Baby | 94.00 |

### Additional services available:

<table>
<thead>
<tr>
<th>(1) Disinterments (Monday-Friday only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Adult grave</td>
</tr>
<tr>
<td>B. Adult grave — extra deep</td>
</tr>
<tr>
<td>C. Baby grave</td>
</tr>
<tr>
<td>D. Cremated remains in urn garden</td>
</tr>
<tr>
<td>E. Cremated remains — location other than urn garden</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) Setting and foundation charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Markers</td>
</tr>
<tr>
<td>1. 18&quot; x 10&quot; (Baby)</td>
</tr>
<tr>
<td>2. 2' x 1'</td>
</tr>
<tr>
<td>3. 3' x 1' or 4' x 1'</td>
</tr>
<tr>
<td>4. Resetting: one-half (1/2) of price listed above for replacement of same size markers</td>
</tr>
<tr>
<td>B. Monument foundation (per cubic foot)</td>
</tr>
<tr>
<td>C. Veteran stones (flat granite)</td>
</tr>
<tr>
<td>D. Flower container (installation)</td>
</tr>
</tbody>
</table>

### Miscellaneous services:

<table>
<thead>
<tr>
<th>(3) Opening and closing grave for inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Identify without disturbing remains</td>
</tr>
<tr>
<td>2. Remove for autopsy; replace in open grave</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(4) Mausoleums: receipt and discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Private mausoleums</td>
</tr>
<tr>
<td>B. Highland Chapel Park Mausoleum</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(5) Use of chapel for services</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. First hour</td>
</tr>
<tr>
<td>2. Each hour thereafter or fraction thereof</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(6) Saturday burials: one and one-half (1 1/2) times the interment charge in divisions (b) through (e) of this section</th>
</tr>
</thead>
</table>

### Effective January 1, 2004

All rates listed in divisions (a) through (f) of this section shall be increased by four percent (4%) and shall be rounded to the nearest whole dollar on the effective date of an amendment to this section, if this section is amended before January 1, 2005.

### Effective January 1, 2005

All rates listed in divisions (a) through (f) of this section shall be increased an additional four percent (4%) over the four percent increase authorized in 2004, which 2004 increase shall be rounded to the nearest whole dollar, and the calculated amount resulting from the increase shall be rounded to the nearest whole dollar.

### Charges for damages

Anyone who causes damage to the cemetery ground, including without limitation, fences, hydrants, or headstones, and who does not restore the damaged portion to its previous condition shall be liable to the City for the City’s cost of restoration.

### Highland Park Chapel Mausoleum:

Charges for resale of niches and crypts that have been repurchased by the City of Cleveland

| (1) Niches in Highland Park Mausoleum Tier Level | $1,215.00 |
| (2) Crypts in Highland Park Mausoleum Tier Level | $3,375.00 |
Section 131.43 Reserved

Section 131.44 Reserved

Section 131.45 Reserved

Section 131.48 Street Cleaning
The Director of Public Works shall initiate a program to provide for the cleaning of streets in the City once each thirty days between March 1 and October 31 of each year. In cooperation with the Director of Public Safety, the Director of Public Works, notwithstanding any other provision in these Codified Ordinances, shall cause to be erected temporary signs notifying the operators of vehicles twelve hours in advance that parking on the streets upon which the same are erected shall be prohibited during the necessary time required for the cleaning of such streets.

Section 131.49 Reserved

Section 131.50 Reserved

Section 131.51 Reserved

Section 131.54 Reserved

Section 131.55 Reserved

Section 131.56 Reserved

Section 131.59 Reserved

Section 131.60 Reserved

Section 131.61 Reserved

Section 131.64 Shop Supplies and Equipment, Vehicle maintenance Materials, Equipment, Services, and Supplies
(a) The Director of Public Works is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for vehicle maintenance materials, equipment, services, and supplies that the Director of Public Works considers necessary to the operation of the Division of Motor Vehicle Maintenance, including but not limited to: shop supplies and shop equipment, vehicle parts and equipment, lubricants, fluids, tires, tubes, tire recapping, vehicle and equipment batteries, remanufactured power trains or sections, generators, generator parts, and labor, materials, and installation, if necessary, to repair or maintain existing equipment. Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose.

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

Section 131.65 Fuel, Fuel Dispensing Equipment, and Storage Tank Removal
(a) The Director of Public Works is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for fuel and fuel dispensing and storage equipment that the Director of Public Works considers necessary to the operation of the Division of Motor Vehicle Maintenance, including but not limited to: fuel, fuel dispensing equipment, fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressors, and for emergency clean-up and replacement of leaking underground and above-ground storage tanks and systems, and labor, materials, and installation, if necessary, to repair or maintain existing equipment. Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose.

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

Section 131.66 Software and Hardware, including Upgrades, Technical Support, and Maintenance, and Repair Agreements for the Fleet Management Information System and the Automated Fuel Dispensing System
(a) The Director of Public Works is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for software, hardware, upgrades,
technical support, maintenance, and repair for the Fleet Management Information System and the Automated Fuel Dispensing System that the Director of Public Works considers necessary to the operation of the Division of Motor Vehicle Maintenance.

(b) The Director of Public Works is authorized to acquire by contract or contracts with one or more software developers or vendors or one or more firms of software developers or vendors, the software licenses, upgrades, technical support, and maintenance necessary for the Fleet Management Information System and the Automated Fuel Dispensing System. The selection of the computer software developers or vendors shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified persons or firms available for employment as may be determined after a full and complete canvass by the Director of Public Works for the purpose of compiling a list. The compensation to be paid for the licenses shall be fixed by the Board of Control. Each contract shall be prepared by the Director of Law, certified by the Director of Finance, approved by the Director of Public Works.

(c) The Director of Public Works is authorized to execute, in connection with a purchase of computer hardware under this section, one or more license agreements for software required for use of that hardware, directly with a firm or firms other than the hardware vendor.

(d) Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose.

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

Section 131.67 Reserved

Section 131.68 Reserved

Section 131.69 Reserved

Section 131.72 Reserved

Section 131.73 Reserved

Section 131.74 Reserved

Section 131.77 Municipal Lakefront Lot: Special Event Rate

On the event that a special event is held within the Central Business District, as that term is defined in Section 325.12 of these Codified Ordinances, and the sponsors of said event have made arrangements with the Regional Transit Authority ("RTA") or its successors wherein RTA will provide transit service free of charge from the Municipal Lakefront Lot to the vicinity of said event, the Commissioner of Parking Facilities is authorized to charge one dollar ($1.00) per day at the Municipal Lakefront Lot throughout the duration of said event.

Section 131.78 Parking Fees

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges, which include tax, at the following parking facilities under the following schedule:

<table>
<thead>
<tr>
<th>Facility</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willard Park Garage:</td>
<td>A. First hour or portion thereof $2.25</td>
</tr>
<tr>
<td></td>
<td>B. Each additional half hour or portion $1.25</td>
</tr>
<tr>
<td></td>
<td>C. Daily maximum rate from 6 a.m. to 11:00 p.m. up to $10.00</td>
</tr>
<tr>
<td></td>
<td>D. Additional overnight charge from 11:00 p.m. to 6 a.m. up to $10.00</td>
</tr>
<tr>
<td></td>
<td>E. General monthly rate up to $125.00</td>
</tr>
<tr>
<td></td>
<td>F.1. Special monthly rate for City employees $55.00</td>
</tr>
<tr>
<td></td>
<td>F.2. Special monthly rate for federal, state and county employees $110.00</td>
</tr>
<tr>
<td></td>
<td>G. Special events (flat rate—pay enter) up to $20.00</td>
</tr>
<tr>
<td></td>
<td>H. Charge for lost or stolen key card $50.00</td>
</tr>
<tr>
<td></td>
<td>I. Late payment charge $5.00</td>
</tr>
<tr>
<td></td>
<td>J. Early Bird Rate (time to be determined by the Director of Public Works)</td>
</tr>
<tr>
<td></td>
<td>up to $8.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Canal Basin Lot:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Daily rate from 6 a.m. to</td>
<td>up to $2.00</td>
</tr>
<tr>
<td>6:00 p.m. (flat rate—pay enter)</td>
<td></td>
</tr>
<tr>
<td>B. General monthly rate (weekdays between 6 a.m. and 6 p.m.)</td>
<td>up to $40.00</td>
</tr>
<tr>
<td>C. Special events, weekdays between 6:00 p.m. and 6 a.m., weekends and holidays (flat rate—pay enter)</td>
<td>up to $10.00</td>
</tr>
<tr>
<td>D. Late payment charge $5.00</td>
<td></td>
</tr>
<tr>
<td>E. Charge for lost or stolen key card $50.00</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>North Coast Municipal Parking Lot:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Daily rate (flat rate—pay enter)</td>
<td>up to $2.50</td>
</tr>
<tr>
<td>B. City of Cleveland employees no charge</td>
<td></td>
</tr>
<tr>
<td>C. General monthly rate—non-City of Cleveland employees up to $45.00</td>
<td></td>
</tr>
</tbody>
</table>
The Director of Public Works is authorized to issue a permit, revocable at the will of Council, and assignable by the permittee with consent of the Director of Public Works, to an operator of a parking lot within any of the following-listed downtown block faces, to construct, maintain, and use fencing and landscaping providing the visual benefits of furthering the case, preservation and enhancement of the urban forest and education of the public with respect to the public interest.

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Public Works up to the maximum specified.

(c) Monthly rate customer parking privileges at Willard Park Garage, Canal Basin Lot, and North Coast Municipal Parking Lot do not include entry to these garages and lots for special events held on weekends, holidays or after 6 p.m. on weekdays.

(d) Fees collected from the Willard Park Garage, Canal Basin Lot, and North Coast Municipal Parking Lot shall be credited to the Division of Parking Facilities Enterprise Fund for general operations.

(e) The Commissioner of Parking Facilities shall fix and collect the fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner's control until the Council and the Board of Control fix fee schedules for the parking facilities.

(f) Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall:

(1) Designate ten (10) parking spaces in Willard Garage located as close as practical to the entrance to City Hall to be assigned by the Director of Public Works to City employees with the greatest number of years seniority as a City employee;

(2) Designate a sufficient number of parking spaces located either in the North Mall Lot or in Willard Garage for City employees who are employed to clean City Hall and who begin work at 3:00 p.m. or later and work later than the closing of Willard Garage.

(g) In addition to the schedule contained in division (a) of this section, the Commissioner of Parking Facilities may enter into agreements with the sponsors of events that wish to reserve specific parking spaces in the Willard Park Garage, or the North Coast Municipal Parking Lot that provide for the payment by the sponsor of up to thirty dollars ($30.00) per parking space.

Section 131.79 Parking Fees for Community Development and Public Works Surface Lots
The Commissioner of Parking Facilities shall collect fees and charges at surface parking lots under the control of the Department of Community Development and Public Works under the following schedule:

(a) Daily rate (flat rate-pay enter) up to $10.00;

(b) Special rate (flat rate-pay enter) up to $15.00;

(c) Monthly rate (flat rate-pay enter) up to $140.00 per month.

Section 131.80 Reserved

Section 131.81 Reserved

Section 131.82 Reserved

Section 131.83 Licensing Advertising Space on Public Recreational Property
Upon the approval of the Board of Control, the Director of Public Works may license space on recreational or real or personal property under the control of said Director to businesses for advertising purposes for fees determined by the Board of Control. Any such license shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of a privilege, revocable at will.

Section 131.84 Acceptance of Gifts
The Director of Public Works is authorized to accept gifts of money, material, or services, provided that the value of no gift shall exceed ten thousand dollars ($10,000) to the various divisions of the department. The Director shall report the acceptance of each gift to the Clerk of the City Council.

Section 131.85 Agreements for the Loan of Statues, Busts, or other Personal Property for Public Display
(a) The Director of Public Works may enter into one or more agreements to loan statues, busts or other personal property under the control of the Department of Public Works to a person or entity for public display for a period not to exceed five years, with one option to renew for an additional five year term, exercisable by the Director of Public Works.

(b) The agreements shall, among other things, itemize the personal property, specify all conditions of the display, require restoration of any damaged City property, require insurance coverage acceptable to the Director of Public Works and the Director of Law, and contain additional terms and conditions as required to protect the interests of the City.

Section 131.86 Tree Commission Grants and Contributions
The Director of Public Works is authorized to apply for and accept from various entities, both public and private, such grants and contributions as the Tree Commission solicits under division (e) of Section 163.03; provided that such contributions may be in the form of money, material or services. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under any grant or contribution, and upon acceptance of any grant or contribution by the Director, the funds shall be appropriated in the case of grants, for the purposes set forth in the grant agreement, and in the case of contributions, for the purposes designated by the donor. The Director shall report the acceptance of any grant or contribution to the Clerk of Council.

Funds accepted under this section shall be deposited to Fund No. 20 SF 038 and used solely for the purpose of furthering the case, preservation and enhancement of the urban forest and education of the public with respect thereto.

Section 131.87 Downtown Parking Lot Landscaping Encroachment Permits
The Director of Public Works is authorized to issue a permit, revocable at the will of Council, and assignable by the permittee with consent of the Director of Public Works, to an operator of a parking lot within any of the following-listed downtown block faces, to construct, maintain, and use fencing and landscaping providing the visual...
al screen and vehicular barrier required by Section 457.07 of the Codified Ordinances, which will encroach into the public right-of-way:

<table>
<thead>
<tr>
<th>Side of Street</th>
<th>Street Name</th>
<th>Street Segment</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>West 9th</td>
<td>Main Avenue to St. Clair</td>
</tr>
<tr>
<td>West</td>
<td>West 9th</td>
<td>Lakeside to St. Clair</td>
</tr>
<tr>
<td>West</td>
<td>West 6th</td>
<td>Lakeside to Superior</td>
</tr>
<tr>
<td>East</td>
<td>West 3rd</td>
<td>Lakeside to Superior</td>
</tr>
<tr>
<td>East</td>
<td>East 6th</td>
<td>St. Clair to Superior</td>
</tr>
<tr>
<td>West</td>
<td>East 12th</td>
<td>St. Clair to Rockwell</td>
</tr>
<tr>
<td>East</td>
<td>East 12th</td>
<td>Lakeside to Rockwell</td>
</tr>
<tr>
<td>North</td>
<td>St. Clair</td>
<td>West 9th to West Mall Dr</td>
</tr>
<tr>
<td>South</td>
<td>St. Clair</td>
<td>West 9th to Ontario</td>
</tr>
<tr>
<td>North</td>
<td>St. Clair</td>
<td>East 6th to East 18th</td>
</tr>
<tr>
<td>South</td>
<td>St. Clair</td>
<td>East 13th to East 18th</td>
</tr>
<tr>
<td>North</td>
<td>Superior</td>
<td>East 13th to East 18th</td>
</tr>
<tr>
<td>South</td>
<td>Superior</td>
<td>East 13th to East 18th</td>
</tr>
<tr>
<td>South</td>
<td>Huron</td>
<td>East 6th (alley) to East 9th</td>
</tr>
</tbody>
</table>

(a) Any fencing or landscaping placed within the public right-of-way as aforesaid, shall be constructed under plans and specifications approved by both the Manager of Engineering and Construction and the City Planning Commission, each to the extent of its respective jurisdiction under other sections of the Codified Ordinances.

(b) Each permit authorized by this section shall be prepared by the Director of Law, shall require the permittee to pay any taxes, assessments or other costs resulting from the construction, maintenance, and use authorized by the permit, and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any loss, including taxes, assessments, and other costs, resulting from the encroachment permitted.

(c) A permit authorized by this section shall be issued only in accordance with the provisions of division (c) of Section 457.07 regarding actions necessary to avoid a loss of existing parking spaces.

Section 131.88 Director to Hire Truck Owner Drivers

It is determined that it is not feasible to procure the proper type of truck and driver by the ordinary processes of competitive bidding because of the qualifications of the drivers and the variance in types of trucks available, and it is in the public interest to secure owner drivers because of the advantage to the City from such operation. Therefore, the Director of Public Works is authorized to employ owner drivers with trucks as he or she deems necessary, at not to exceed the following rates for the services of the owner driver and the truck:

<table>
<thead>
<tr>
<th>Truck Capacity</th>
<th>Rate per hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two tons or less</td>
<td>$20.00</td>
</tr>
<tr>
<td>Two and one-half tons or more</td>
<td>23.00</td>
</tr>
</tbody>
</table>

Section 131.89 Agreements with Cuyahoga County for Annual Bridge Inspections

The Director of Public Works is authorized to enter into successive agreements, each for a term not to exceed one year, with the Board of County Commissioners, County of Cuyahoga, for the County to perform annual bridge inspections in the City of Cleveland. The cost of the contract for each year shall be subject to annual appropriation.

Section 131.90 Carrying Capacity of Bridges

(a) The Commissioner of Engineering and Construction may ascertain the carrying capacity of every City bridge, and when such carrying capacity of any such City bridge is ascertained, warning notice thereof shall be conspicuously painted in large letters at each end of such bridge. Notice shall also caution all persons against driving thereon a loaded conveyance of greater weight than the carrying capacity thereof.

(b) No person shall disregard such caution and drive on such bridge a loaded conveyance of greater weight than the carrying capacity of such bridge.

Section 131.91 Consulting Engineer

There is established in the Department of Public Works the Office of Consulting Engineer. The Consulting Engineer shall be appointed by the Director of Public Works and shall be immediately responsible to the Director. He shall have such special engineering matters, investigations and reports referred to him as may be directed by or through the office of the Director. He shall conduct the engineering investigation and preliminary planning upon such projects as may be referred to him, and his services shall be made available for consultation in engineering matters such as river and harbor improvement, sewage treatment, street extensions, City planning, grade crossing eliminations and kindred projects arising in the Department, and may render similar service to the Mayor and other departments upon written request from the director of the department desiring the same and bearing the written approval of the Director.

Section 131.92 Clothing Allowance Payment

The Director of Public Works is authorized to cause payment of a clothing allowance of Three Hundred Dollars ($300.00) for the year 1986 to all employees in the following classifications in the Department of Public Works:

- Cold Patch and Crack Sealing Worker
- Mechanical Handyman
- Municipal Service Laborer

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Section 5. That the salary of the Secretary to the Mayor shall be fixed by the Mayor at not less than $50,795.78 and not more than $171,581.77 per annum.

Section 6. That the salary of the Directors of Law, Finance, Public Utilities, Economic Development, Public Safety, Public Works, Public Health, Personnel and Human Resources, Community Development, Building and Housing, Aging, Consumer Affairs, the Planning Director, the Executive Director of the Community Relations Board, and Executive Assistants to the Mayor shall be fixed by the Mayor at not less than $50,795.78 and not more than $171,581.77 per annum.

Section 7. That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the Department of Parks, Recreation and Properties shall be amended to read "Department of Public Works." And that any references to the Cleveland Convention Center or Convention Center shall be amended to read "Public Auditorium Building" consistent with this ordinance.

Section 8. That concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately on the adoption of the concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

Section 9. That the salary of the Secretary of the Civil Service Commission, the salary of the Secretary to each Director of a department, the salary of the Assistant Director of Finance, and the Special Assistants to the Mayor shall be fixed by the Mayor at not less than $20,800.00 and not more than $96,444.42 per annum.

Section 10. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

Minimum  Maximum
1. Special Assistant to the Mayor............................................. $20,800.00 $96,444.42
2. Secretary to Directors of Departments.............................. $36,590.39 $138,195.09
3. Secretary of the Civil Service Commission....................... $25,011.85 $96,445.08
4. Secretary to Director of Department of Port Control........ $41,312.22 $143,360.63
5. Assistant Directors......................................................... $36,590.39 $138,195.09

Section 40. That concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately on the adoption of the concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

Section 5. That the salary of the Director of Port Control shall be fixed by the Mayor at not less than $100,000.00 and not more than $222,895.30 per annum.

That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

Minimum  Maximum
1. City Comptroller................................................................. $42,758.15 $133,845.38
2. City Treasurer................................................................. $42,758.15 $133,845.38
3. Chief Technology Officer.................................................. $45,000.00 $150,454.32
4. Commissioner of Accounts............................................... $40,314.82 $128,214.57
5. Commissioner of Administrative Services - Community Development................................................................. $40,314.82 $128,214.57
6. Commissioner of Air Quality............................................. $42,758.15 $133,845.38
7. Commissioner of Assessments and Licenses....................... $40,314.82 $118,350.91
8. Commissioner of Burke Airport........................................ $40,314.82 $118,350.91
9. Commissioner of Cleveland Hopkins International Airport................................................................. $42,758.15 $143,360.63
Section 2. That existing Sections 2 and 5 of Ordinance No. 947-08, passed June 9, 2008, and existing Section 40 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1156-09, passed August 5, 2009, are repealed.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 1332-10.
By Mayor Jackson.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 123.03 relating to the Office of Capital Projects.

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

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

Section 1. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Office of Capital Projects is established, and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 123.03 to read as follows:

Section 123.03 Office of Capital Projects
(a) With the concurrence of the Board of Control, as required by Section 77 of the Charter, there is established in the Office of the Mayor, the Office of Capital Projects, be administered and controlled by an Executive Assistant or Special Assistant to the Mayor, to be appointed by the Mayor to be the Director of Capital Projects and subject to the Mayor's supervision and control. The Director shall manage and supervise all capital projects of the City except as otherwise provided by the Charter and ordinances of the City and perform all other duties pertaining to the Office of Capital Projects which may be required of him by ordinance or by the Mayor. The Director, shall appoint, in accordance with the civil service provisions of the Charter, clerical or office support employees as may be required for the performance of the duties of the Office, and shall be responsible for their supervision.
(b) There is established a Division of Engineering and Construction in the Office of Capital Projects, which shall be administered and controlled by a Special Assistant to the Mayor to be the Manager of Engineering and Construction. The Manager of Engineering and Construction shall prepare or cause to be prepared all surveys, maps, plats, plans, drawings, estimates and engineering specifications necessary for public improvements, works and undertakings under the charge of the Office of Capital Projects other than buildings, and render similar service to other departments of the City government upon requisition from such departments, approved by the Director of the Office of Capital Projects. He shall have charge of making the City boundaries where the same shall be necessary; the numbering of lots and houses; the construction, maintenance and repair of streets, sidewalks, the planning, construction, improvement, repair and maintenance of bridges and viaducts, the construction and repair of sewers pertaining to streets, sidewalks and other public utilities; and the supervision and inspection of all City motorized equipment upon written request from the Director of the Office of Capital Projects or other departments of the City desiring the same and bearing the written approval of the Director of the Office of Capital Projects.
(c) There is established a Division of Motor Vehicle Maintenance Capital in the Office of Capital Projects, which shall be administered and controlled by a Special Assistant to the Mayor, appointed by the Mayor to be the Manager of Motor Vehicle Maintenance Capital. The Manager of Motor Vehicle Maintenance Capital shall control and supervise the procurement of all City motorized equipment upon order of the Mayor or the written request of the Director of the Office of Capital Projects desiring the same. He shall order and recommend the purchase of motorized equipment, and assist the Commissioner of Purchases and Supplies in the purchase thereof.
(e) There is established a Division of Real Estate in the Office of Capital Projects, which shall be
administered and controlled by a Special assistant to the Mayor, appointed by the Mayor or the Manager of Real Estate. The Manager of Real Estate shall establish and manage the real estate functions for the various departments of the city government upon order of the Mayor or the written request of the Director having control of the property.

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.


FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 1326-10.

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

An emergency ordinance authorizing the Director of Purchases and Supplies to acquire and re-convey, by means of entering into the chain-of-title prior to the adoption of tax increment financing, legislative authorization under Section 5709.41 of the Revised Code and an agreement with 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, legislative authorization under Section 5709.41 of the Revised Code and 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,

Section 1. That the Council finds and as an exception to the provisions of Chapter 181 and 183 of the Revised Code of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire, and re-convey to, Rockwell Property, LLC, or its designee, a parcel of real property located at 1403 East 6th Street, Cleveland, Ohio for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing, legislative authorization under Section 5709.41 of the Revised Code and a separate contract for the interior renovation of the office building located at 1403 East 6th Street.

ORDINANCES READ IN FULL

ORDINANCES READ IN FULL

October 6, 2010

The City Record

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amend 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 and Education and Healthy Exercise Program through the use of Ward(s) 1, 9, 7 and 8 Neighborhood Equity Funds.

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

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

Section 1. That the 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 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) 1, 9, 7 and 8 Neighborhood Equity Funds.

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 as follows:

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

Motion to suspend rules, Charter, and statutory provisions and place on first reading.

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

Ord. No. 1233-10.
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 and Education and Healthy Exercise Program through the use of Ward(s) 1, 9, 7 and 8 Neighborhood Equity Funds.

Whereas, this ordinance 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 a D5 Liquor Permit to Tyson Mitchell, DBA Libations Lounge, 9102 Aetna Road, Cleveland, Ohio 44120, Permanent Number 6061800, be and the same is hereby repealed and returned to the Cleveland Public Health Department, and hereby declared to be 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 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

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 amend the Title and Sections 1 and 2 of Ordinance No. 653-10 by striking "of $40.00" and inserting "$60.00" and striking "Cleveland Convention Center and Convention Center Garage, for film production purposes" and inserting "Cleveland Convention Center, portions of Exhibit Halls A, B, C, D, and E, in the first floor thereof clause, lines 3 and 4, strike "Cleveland Convention Center and" and insert "Public Auditorium and".

2. Strike the second clause in its entirety.

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

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

Ord. No. 655-10.
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.

Approved by Director of Parks, Recreation and Properties, City Planning, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, City Planning Finance, when amended as follows:

In the title, line 4, strike "Convention Center and" and insert "Public Auditorium;"

3. Strike the second clause in its entirety.

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

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

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 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 Mayor to enter into one or more contracts for the making of the improvement; to employ one or more architectural, landscape architectural, 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 Recreation, City Planning, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance.

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

Ord. No. 1025-10.

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 to enter into one or more contracts for the making of the improvement; to employ one or more architectural, landscape architectural, 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.

Approved by Directors of Parks, Recreation and Recreation, City Planning Commission, Finance, Law; Passage recommended by Committee on Finance, Public Service, Finance.

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

Ord. No. 1191-10.

By Council Member Mitchell, an emergency ordinance designating the Langston Hughes House as a Cleveland Landmark.

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

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

Ord. No. 1192-10.

By Council Member Polensek, an emergency ordinance designating Beachland Presbyterian Church as a Cleveland Landmark.

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

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

Ord. No. 1193-10.

By Council Member Polensek, an emergency ordinance designating Northeastern Ohio United Methodist Church as a Cleveland Landmark.

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

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

Ord. No. 1194-10.

By Council Member Polensek, an emergency ordinance designating Tabernacle Baptist Church as a Cleveland Landmark.

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

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

Ord. No. 1250-10.

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, 2005, relating to agreements for the use of the Ridge Road Transfer Station.

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

In Section 1, at amended Section 551.113(b), line 5, after "entities" insert "and other necessary concerns". Amendment agreed to.

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

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

Ord. No. 1255-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay by check or credit card to the names of the claimants.

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

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

Ord. No. 514-10.

By Council Member Cimperman.

An emergency ordinance authorizing Beachland Presbyterian Church as a Cleveland Landmark.

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

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

SECOND READING
(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) General. Where such sales have been permitted by the Board of Zoning Appeals, agricultural products, plants, eggs and honey grown or produced on a property of 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 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, such farm stand located in a required front yard or street frontage on the premises during that time of the year when the garden or farm is not open to the 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 shall be set back at least eighteen (18) inches from any lot line.

F. 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 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 sensitivinity 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;

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 from 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 principal building 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 five (5) feet from all property lines unless the sign is a permitted sign farm stand. No signs shall be permitted on a permitted sign farm stand. All use that is an accessory use in a Residential District.

(f) Composting. Composting may be conducted on the premises of an agricultural use to use on the subject property and if stored in a manner that controls odor, pre vents insects and minimizes run off into waterways and onto adjacent properties. Maintenance. Any land devoted to agricultural use shall be well maintained. Building Permits. No Building Permit or Certificate of Occupancy shall be required for establishment of an agricultural use. Building Permit shall be required for installation of a fence or for construction of a 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.

(1) Definitions. As used in this section:

(1) “farm stand” means a temporary structure for 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.

Amendment agreed to.

The rules were suspended. Yeas 18; Nays 0. Read second time. Read third time in full. Passed. Yeas 17; Nays 1.

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

Those voting nay: Council Member Brancatelli.

Absent: Council Member Cleveland.

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

Ord. No. 889-10.

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

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, 2002, relating to pedes trian retail overlay (PRO) districts.

Approved by Directors of City Planning Commission, Finance, Law; Passage recommenced by committees on City Planning, Legislation, Finance.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1287-10.

By Council Member K. Johnson, seconded by Council Member Brady and unanimously carried, that the absence of Council Member Cleveland be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, October 18, 2010 at 7:00 p.m. in the Council Chambers.

Sandra Franklin
City Clerk, Clerk of Council
Pro Tempore

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 29, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 29, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Acting Directors Dangerfield, Scott, Directors Flaks, Cox, Acting Directors Wilbur, West, Director Fumich, Interim Director of Finance and Acting Director O'Leary.

Absent: Mayor Jackson, Directors Butler and Nichols.
others; James Hardy, Commissioner, Purchases and Supplies. 

Nay: Mayor Jackson, Director, Office of Equal Opportunity.

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

Resolution No. 409-10.
By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities, Division of Water Pollution Control, Department of Public Utilities, for a period of two years, starting upon the execution of the contract, received on June 16, 2010, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, on the basis of the estimated quantity which shall amount not less than $10,000,000.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Directors Danger- field, Scott, Directors Flask, Cox, Acting Directors Wilbur, West, Director Fumich, Interim Director Mahoney and Acting Director O’Leary.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

Resolution No. 410-10.
By Director Withers.

The Board of Control of the City of Cleveland that the Director of Public Utilities, Division of Water Pollution Control, Department of Public Utilities, Division of Cleveland Public Power, for the period of two years, beginning with the date of execution of a contract, for such goods and/or services, received on March 17, 2010, under the authority of Ordinance No. 541-09, passed June 1, 2009, and under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to $42,680,000 (Net 30 days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be not less than $10,000,000.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Directors Danger- field, Scott, Directors Flask, Cox, Acting Directors Wilbur, West, Director Fumich, Interim Director Mahoney and Acting Director O’Leary.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

Resolution No. 411-10.
By Director Cox.

Whereas, under the authority of Ordinance No. 266-10, passed by the Cleveland City Council on May 17, 2010, as amended by Ordinance No. 791-10, passed by the Cleveland City Council on June 7, 2010, pursuant to Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity which shall amount not less than $2,637,054.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be not less than $10,000,000.

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 against the contract.

Yeas: Directors Triozzi, Dumas, Withers, Acting Directors Danger-field, Scott, Directors Flask, Cox, Acting Directors Wilbur, West, Director Fumich, Interim Director Mahoney and Acting Director O’Leary.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 18, 2010

9:30 A.M.

Calendar No. 10-67: 2388 West 6th Street (Ward 3)

Nancy Corra, Trust, owner, appeals to erect a 25’ x 60’ two-story frame, fee simple single family residence with an attached garage, proposed to be on a 38.6’ x 90’ lot in a Bl 2 Family District subject to Section 327.02(e) for an approval from Engineering and Construction for lot consolidation, driveway, utility and catch basin drainage easements and the City Hall, East 6th Street, and Lake- side Avenue.

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Com mission 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
ed less than 15 feet of the point of tangency of its apron radius, and an apron radius at curb of not less than 6 feet without obstructing traffic per Engineering and Construction. Contrary to Section 349.07(b)(2) a wooden deck providing 13.6 feet where 36 feet is required; and the total width of side yards on the frontage landscaping strip is by curbing, and a 6 foot wide apron shaped parcel in a General Retail Business District; and it is partially within a residence district; and pursuant to Section 337.23(a) the tree house is not accessory to a main building in a residence district and 57 feet is provided, contrary to 86 feet for the remaining placement on the rear half of the lot.

Calendar No. 10-177: 15610 Lakeshore Road (Ward 14)
John Daher, owner, and Jack DIC. Car Wash, prospective purchaser, appeal to build and addition to an existing building and change the use to an automatic car wash on an irregular shaped corner lot in a C1 Street (Ward 3) Local Retail Business and Two-Family District; the use for a vehi- cal yard depth of 20 feet where 36 feet is required; and the existing building setback is 21 feet; with a rear yard depth of 25 feet where 36 feet is required; and 7 feet is pro- vided between the dwelling and garage where no building shall be erected less than 10 feet from a main building on an adjacent lot; ling, where no building shall be erected less than a distance of 10 feet; and 4.6 feet is provided, where no fence shall be higher than its dis- tance from a residence building on an adjoining lot, according to Section 354.05(a) of the Cleveland Codified Ordnances. (Filed 4-29-10; amended 7-6-10; hearing 8-14-10; reconsideration of motion pending 9-27-10)

Calendar No. 10-68: 2379 West 6th Street (Ward 3)
Elsworth Redden, owner, appeals to establish use for a vehicle repair garage and painting area, one driveway for each 100 feet of frontage, and not locat- ed less than 15 feet of the point of tangency of its apron radius, and an apron radius at curb of not less than 6 feet without obstructing traffic per Engineering and Construction. Contrary to Section 355.05(b) 3,860 square feet is provided and a mini- mum lot width of 36.8 feet is required; a gross floor area of 1,930 square feet is required; and a distance from the street, pursuant to Sec- tion 337.23(a) the tree house is not accessory to a main building in a residence district and 57 feet is provided, contrary to 86 feet for the remaining placement on the rear half of the lot.

Calendar No. 10-178: 8116 Lorain Avenue (Ward 14)
Pawaw Mangis, owner, appeals to change use from a retail store to a use for motor vehicle minor repair in an existing building located on a corner parcel in a Local Retail Business District; subject to limitations of Section 343.01 the proposed change is not permitted and first permitted in a General Retail Business District; the use for a vehi- cal yard depth of 20 feet where 36 feet is required; and the existing building setback is 21 feet; with a rear yard depth of 25 feet where 36 feet is required; and 7 feet is pro- vided between the dwelling and garage where no building shall be erected less than 10 feet from a main building on an adjacent lot; ling, where no building shall be erected less than a distance of 10 feet; and 4.6 feet is provided, where no fence shall be higher than its dis- tance from a residence building on an adjoining lot, according to Section 354.05(a) of the Cleveland Codified Ordnances. (Filed 4-29-10; amended 7-6-10; hearing 8-14-10; reconsideration of motion pending 9-27-10)

Calendar No. 10-69: 2382 West 6th Street (Ward 3)
Nancy Corral Trust, owner, appeals to erect a 25' x 60' two-story frame, fee simple single fami- ly residence with an attached garage, proposed to be on a 38.6’ x 90’ lot in a B1 Two-Family District; subject to Section 327.02(e) for an appeal from Engineering and Construction for lot consolidation, dri- veway, utility and catch basin drainage easements and Section 337.25(a) for a Design Review hear- ing. The provisions of Sections 349.07(a) and 349.07(c)(1)(2)(3) require paving and drainage for the parking area, one driveway for each 100 feet of frontage, and not locat- ed less than 15 feet of the point of tangency of its apron radius, and an apron radius at curb of not less than 6 feet without obstructing traffic per Engineering and Construction. Contrary to Section 355.05(b) 3,860 square feet is provided and a mini- mum lot width of 36.8 feet is required; a gross floor area of 1,930 square feet is required; and a distance from the street, pursuant to Sec- tion 337.23(a) the tree house is not accessory to a main building in a residence district and 57 feet is provided, contrary to 86 feet for the remaining placement on the rear half of the lot.

Calendar No. 10-70: 2387 West 7th Street (Ward 3)
Nancy Corral Trust, owner, appeals to erect a 25' x 60’ two-story frame, fee simple single fami- ly residence with an attached garage, proposed to be on a 38.6’ x 100’ lot in a BI Two-Family District; subject to Section 327.02(e) for an appeal from Engineering and Construction for lot consolidation, dri- veway, utility and catch basin drainage easements and Section 337.25(a) for a Design Review hear- ing. The provisions of Sections 349.07(a) and 349.07(c)(1)(2)(3) require paving and drainage for the parking area, one driveway for each 100 feet of frontage, and not locat- ed less than 15 feet of the point of tangency of its apron radius, and an apron radius at curb of not less than 6 feet without obstructing traffic per Engineering and Construction. Contrary to Section 355.05(b) 3,860 square feet is provided and a mini- mum lot width of 36.8 feet is required; a gross floor area of 1,930 square feet is required; and a distance from the street, pursuant to Sec- tion 337.23(a) the tree house is not accessory to a main building in a residence district and 57 feet is provided, contrary to 86 feet for the remaining placement on the rear half of the lot.

Calendar No. 10-179: 12500 Buckeye Road (Ward 14)
Ann Marie Ogletree owner, appeals to construct a parking lot and three car garage on property in a Local Retail Business and Two-Family District and by having prevailed in Section 349.13(c)(d) the Board of Zoning Appeals may permit, tem- porarily or permanently, a use for a tree house on a 27’ x 132’ vacant lot in a Two-Family District; con- trary to Section 337.23(a) the tree house is not accessory to a main building in a residence district and 57 feet is provided, contrary to 66 feet for the remaining placement on the rear half of the lot.
tion 349.07(b) requires accessory off-street parking spaces to be provided with a 7’7” bumper guard located so that no part of a parked vehicle extends beyond the parking space. The provisions in Section 358.03(a), no portion of a fence located within 20 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height unless all portions of the fence above two and one-half feet are at least 75 percent green. The same restrictions apply to any portion of a fence located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or public street if no sidewalk is present.

Calendar No. 10-182: 14422 Orchard Park Avenue (Ward 19)
Thomas Szoradi, owner, appeals to erect a 3 feet high by 4 feet long walemanized wooden fence in an AI One-Family District, providing a distance of 2 feet from an adjacent residence building, contrary to Section 358.03(a), no fence shall be higher than its distance from a residence building on an adjoining lot. None

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 4, 2010
At the meeting of the Board of Zoning Appeals on Monday, October 4, 2010, the following appeals were heard by the Board.

The following appeals were Approved:

Calendar No. 10-154: 4702 Memphis Avenue
Badah Holdings LLC appealed for an addition, expansion, of 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 establish a light industrial use with light warehousing and a parking lot as the principal use of a vacant corner parcel in a General Retail Business District.

Calendar No. 10-160: 4534 Broadview Road
Lisa Jafari appealed to erect a double faced, wooden identification sign in the front yard of a two-story day care building in a Multi-Family District.

Calendar No. 10-146: 3500 Payne Avenue
Greenhouse 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 appeals were Denied:

Calendar No. 10-161: Appeal of JAG Drywall LLC
JAG Drywall appealed from a denied appeal of an application for occupation of a Cleveland Small Business in the Cleveland Area Business Program by the Office of Equal Opportunity.

Calendar No. 10-163: 4921 State Road
Ionnis Vasilakis, owner, and Moises Quintan, tenant, appealed for a change of use from motor vehicle repair to complete audio repair in a General Retail Business District. None

The following appeals were Withdrawn:

Calendar No. 10-162: 2141 Broadway Road postponed to November 15, 2010.

Calendar No. 10-175: 5106 Pearl Road postponed to December 15, 2010.

The following appeal scheduled for October 12, 2010 was Postponed:

Calendar No. 10-169: 4431 West 130th Street postponed to November 15, 2010.

The following appeal heard by the Board on September 27, 2010 was adopted and approved on October 4, 2010.

The following appeal was Approved:

Calendar No. 10-158: 6401 Midtown Commerce Park Drive
Ardent Properties Corporation appealed to establish a light industrial use with light warehousing and a parking lot as the principal use of a vacant corner parcel in a General Retail Business District.

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of September 29, 2010
As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

* * *

Docket A-135-10:
RE: Appeal of Thor Real Estate, Owner of MIXD Mixed Uses - Multiple Uses In One Building Two Story Masonry Property located on the premises known as 5746 Broadway Avenue from a NOTICE OF VIOLATION - INTERIOR/EXTERIOR MAINTENANCE, dated August 07, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).
BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and ninety (90) days in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

* * *

Docket A-139-10:
RE: Appeal of 5750 Broadway LLC, Owner of R-2 Residential - Non-transient Apartments In One Building Two Story Masonry Walls/Wood Floors Property located on the premises known as 13906 Coit Road from a 30 DAY DETERIORATED CONDITION ORDER - MAIN STRUCTURE, dated August 07, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).
BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to complete abatement of the violations, noting that the exterior is to be completed first. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

* * *

Docket A-144-10:
RE: Appeal of Amjad Hamideh, Owner of R-2 Residential - Non-transient Apartments In One Building Two Story Masonry Walls/Wood Floors Property located on the premises known as 13906 Coit Road from a 30 DAY DETERIORATED CONDITION ORDER - MAIN STRUCTURE, dated August 07, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

1575
BE IT RESOLVED, a motion is in order at this time to grant the Applicant thirty (30) days in which to obtain the required permits and abate the violations. At the end of the thirty (30) days, the property is REMANDED to the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Applicant thirty (30) days in which to obtain permits and abate the violations in which the Appellant sees fit. The property is REMANDED at this time to the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the CONDEMNATION ORDER was properly issued based on the concurrence of the inspector and the evidence of the photographs. The property is REMANDED at this time to the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-150-10.
RE: Appeal of Robert E. Yeunt II & Niparat Srising, Owners of the One Dwelling Unit Single-family Residence Two & One-half Story Frame Property located on the premises known as 12334 Kirvin Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated November 19, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC). The motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.
Yeas: Messrs. Denk, Saunders, Galagher, Saab, Bradley. Nays: None. ** *

Docket A-157-10.
RE: Appeal of Jessica Diann Harr, Owner of Two Dwelling Units Two-story Frame Property located on the premises known as 1775 Hillview Road from a NOTICE OF VIOLATION known as 1775 HILLVIEW ROAD, dated April 01, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC). The motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.
Yeas: Messrs. Denk, Saunders, Galagher, Saab, Bradley. Nays: None. ** *

Docket A-158-10.
RE: Appeal of Edith Johnson, Owner of Two Dwelling Units Single-story/One-half Story Frame Property located on the premises known as 2576 East 83rd Street from a NOTICE OF VIOLATION known as 2576 EAST 83RD STREET, dated May 15, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC). The motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.
Yeas: Messrs. Denk, Saunders, Galagher, Saab, Bradley. Nays: None. ** *
to complete abatement of all violations on the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gaffer, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 15106 Ohio Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated May 04, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to obtain permits and abate the violations in any manner. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.


Docket A-198-10.
RE: Appeal of Leonard Brooks, Owner of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 1101 Lorain Avenue from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAIN-tenance, dated December 14, 2006 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and abate the violations in any manner. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gaffer, Owner of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 1214 East 87th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated February 24, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-198-10 has been WITHDRAWN at the request of the Appellant.

Docket A-164-10.
RE: Appeal of Joseph P. Ponikvar, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 2053 West 83rd Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 26, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued brought out by the evidence presented in the photographs; the appeal is DENIED, noting further action. Motion of attendance by the Appellant. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.


Docket A-220-10.
RE: Appeal of Angela Bennett, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2143 East 79th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 16, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued brought out by the evidence presented in the photographs; the appeal is DENIED, noting further action. Motion of attendance by the Appellant. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.


To complete abatement of all violations on the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gaffer, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 11805 Puritan Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 28, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Appellant thirty (30) days in which to obtain permits and abate the violations in any manner. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gaffer, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 12110 Miles Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 09, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and abate the violations in any manner. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gaffer, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 2145 West 114th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 10, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to abate the violations in any manner. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.


Docket A-248-10.
RE: Appeal of Nashaat Abuhamdeh, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2145 West 114th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 10, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Appellant sixty (60) days in which to abate the violations in any manner. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.


Docket A-309-10.
RE: Appeal of Eagle II LLC, Owner of the R-2 Residential - Non-transient: Apartments (Shared Egress) Three Story Masonry Walls/Wood Floors Property located on the premises known as 9216 Miles Park Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated May 12, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-309-10 has been POSTPONED; to be rescheduled for October 27, 2010.
further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.


* * *

Docket A-323-10.
RE: Appeal of Carl Covington, Owner of Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property located on the premises known as 2169 East 79th Street from a LIMITATION ON THE PERMITS, dated August 11, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-323-10 have been POSTPONED; to be rescheduled for October 13, 2010.

* * *

Docket A-324-10.
RE: Appeal of Michael Caldwell, Owner of Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 9327 Dickens Avenue from a LIMITATION ON THE PERMITS, dated August 11, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-324-10 have been POSTPONED; to be rescheduled for October 13, 2010.

* * *

Docket A-368-10.
RE: Appeal of Kappa House II, Inc., Owner of Property located on the premises known as 1225 Shaker Boulevard from a ADJUDICATION ORDER, dated August 24, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the requested variance from 25 percent of the operating area of the existing unsprinklered building and the new sprinkled building, and to permit the installation of interior window wash type sprinklers on the two floors above the connector. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.


* * *

APPROVAL OF RESOLUTIONS:
Separate motions were entered by Mr. Saab for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

A-132-10 — Bruce E. Belcher.
A-133-10 — Cuyahoga Lakefront Land LLC.
A-140-10 — Eridanus Group LLC.
A-141-10 — John Claude Tanner.
A-143-10 — James Jugl.
A-145-10 — Elieh P. Carrington.
A-149-10 — Estate of Barbara L. Shucofsky.
A-152-10 — William Lakish & Tara Glazer.
A-183-10 — Majid Tabibzadeh.
A-321-10 — Playhouse Square Foundation, Inc.
A-322-10 — Utilities Constr. & Supply.
A-323-10 — Clear Channel Outdoor.
A-340-10 — Rodney Coleman.
A-355-10 — City of Cleveland.
A-364-10 — Buckeye Area Dev. Corp.


* * *

APPROVAL OF MINUTES:
Separate motions were entered by M. Saab and seconded by Mr. Saab for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

September 15, 2010


* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing
By the Council Committee on City Planning

Mercedes Cotner Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, October 13, 2010
1:00 p.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, October 13, 2010, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 730-10.
By Council Member Cimperman.
An ordinance changing the Use District of lands on the south side of Holmden Avenue to Two Family Residential District (Map Change No. 2310; Sheet No. 5).

Ord. No. 732-10.
By Council Member Cimperman.
An ordinance changing the Use District of lands at the intersection of Professor St. & Starkweather Ave. shown shaded on the attached map to Local Retail Business (Map Change No. 2314; Sheet No. 5).

Ord. No. 733-10.
By Council Member Cimperman.
An ordinance changing the Use District of lands bounded by Kenilworth Ave., West 11th St. and W. 14th St., shown shaded on the attached map, to an Open Space and Recreation District (Map Change No. 2311; Sheet No. 5).

Ord. No. 734-10.
By Council Member Cimperman.
An ordinance changing the Use District of lands known as City of Cleveland’s Clark Field recreation site including land at 1490 and Quigley Roads, shown shaded on the attached map to an Open Space and Recreation District (Map Change No. 2312; Sheet No. 5).
**ORDINANCE NO. 2010-100**

On October 6, 2010, By Council Member Cimperman, An ordinance establishing the Superior Avenue Design Review District (Map Change No. 2337, Sheet No. 4).

All interested persons are urged to be present or to be represented at the above time and place.

Phyllis E. Cleveland Chair Committee on City Planning September 29, 2010 and October 6, 2010

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**CITY OF CLEVELAND BIDS**

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 125, City Hall, in accordance with the append schedule, and will be opened and read in Room 125, 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 schedule.

157-10 Negotiated contracts; Notice required in Advertisement for Bids, Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

**WEDNESDAY, OCTOBER 20, 2010**

File No. 155-2010 — Commercial Games, for the various Divisions of City government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**FRIDAY, OCTOBER 22, 2010**

File No. 153-2010 — Purchase of Various Items Required for OSHA/PERRP Compliance, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 85-10, passed by the Council of the City of Cleveland, August 18, 2010.

**WEDNESDAY, OCTOBER 27, 2010**

File No. 159-2010 — Purchase of HVAC/R Supplies, 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.

**THURSDAY, OCTOBER 28, 2010**

File No. 156-2010 — Purchase of HVAC/R Supplies, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 870-10, passed by the Council of the City of Cleveland, August 18, 2010.
ADOPTED RESOLUTIONS
AND ORDINANCES

Res. No. 1293-10.
By Council Members Sweeney and Mitchell.

An emergency resolution supporting State Senate Bill 273 which generates and authorizes additional municipal corporations and other political subdivisions to enter into agreements to perform services for one another.

Whereas, current law provides a variety of specific statutes that authorize political subdivisions such as the City of Cleveland to contract for certain services; and

Whereas, for example, the city has entered into cooperation agreements with other municipalities to share emergency medical services and police services; and

Whereas, general authority also exists under R.C. 307.15, which authorizes intergovernmental agreements for exercising powers, performing functions or rendering services, as well as under R.C. Chapter 167, which authorizes political subdivisions to enter into agreements creating regional councils of government to inter alia, promote cooperative agreements among its members; and

Whereas, state Senate Bill 273 provides general authority for specified political subdivisions, namely municipalities, corporations, villages, townships, port authorities, water or sewer districts, school districts, library districts, park districts, soil and water conservation districts, water conservancy districts, any other taxing or taxing district, to enter into agreements to provide services to one another; and

Whereas, such general authority given to these specified subdivisions will advance cooperation between municipalities and other political subdivisions by causing the political subdivisions to allocate and share resources, and make political subdivisions more efficient by cutting administrative costs; and

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

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

Section 1. That this resolution is hereby declared to be an emergency measure and provides 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 September 27, 2010.

Res. No. 1294-10.
By Council Member Cleveland.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 5611 Woodland Avenue and repealing Resolution No. 388-10, objecting to said transfer.

Whereas, this Council objected to the transfer of a C2 and C2X Liquor Permit to Jai Ambaji, Inc., DBA Hometown Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 4225578, adopted by the Council on June 7, 2010; and

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

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

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

Section 1. That this resolution is hereby declared to be an emergency measure and provides 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 September 27, 2010.

Res. No. 1285-10.
By Council Member Reed.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 3744 East 144th Street, 1st floor only and repealing Resolution No. 465-10, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, Cleveland, Ohio 44120, Permanent Number 520187, adopted by the Council on April 12, 2010; and

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

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,
contract, or by separate contract for each or any combination of the items or services as authorized by the City. Alternate bids for a period less than the specified term may be tendered by the Contractor. The City, the Director of Public Safety, will evaluate such bids and determine which, if any, of such bids will be accepted. The Director of Public Safety will make the purchase and enter into contracts authorized by this ordinance for the purpose of maintaining the public health, safety, welfare, and convenience of the City. The Director of Public Safety will make the purchase and enter into contracts authorized by this ordinance for the purpose of maintaining the public health, safety, welfare, and convenience of the City.

**Section 7.** The Director of Public Safety shall have the authority to make the purchase and enter into contracts authorized by this ordinance for the purpose of maintaining the public health, safety, welfare, and convenience of the City. The Director of Public Safety will make the purchase and enter into contracts authorized by this ordinance for the purpose of maintaining the public health, safety, welfare, and convenience of the City. The Director of Public Safety will make the purchase and enter into contracts authorized by this ordinance for the purpose of maintaining the public health, safety, welfare, and convenience of the City.

**Section 8.** The Director of Public Safety shall make the purchase and enter into contracts authorized by this ordinance for the purpose of maintaining the public health, safety, welfare, and convenience of the City. The Director of Public Safety will make the purchase and enter into contracts authorized by this ordinance for the purpose of maintaining the public health, safety, welfare, and convenience of the City. The Director of Public Safety will make the purchase and enter into contracts authorized by this ordinance for the purpose of maintaining the public health, safety, welfare, and convenience of the City.

**Section 9.** Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

**Ord. No. 537-10.**

*By Council Members Brancatelli and Pruitt.*

An emergency ordinance to amend Section 187.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, relating to the definition of contract to exclude loans under $50,000 for storefront renovation, as follows:

(a) "Administrator" means the employee or employees of the Director of Public Safety designated by the Director to act as an administrator of the Cleveland Area Business Program for the purpose of reviewing and approving the City's program and approving the applications of the businesses for participation in the program.

(b) "Bidder" means a person offering to contract with the City in response to a request for proposals or for purposes of this Code, includes a provider of goods or services, who is qualified to provide such goods or services.

(c) "Bid Discount" means the application of a percentage discount to the total price paid to a Bidder for a Contract solely for the purpose of bid comparison when evaluating the lowest and best bid, or lowest responsible bid. The use of a Bid Discount does not alter the total amount of the bid submitted by a Bidder or the Contract executed based on a bid.

(d) "Business Enterprise" means a firm, association, corporation, company, or other business entity of any kind including, but not limited to, a limited liability corporation, incorporated association, joint venture, estate, or trust.

(e) "City" means the City of Cleveland, Ohio.

(f) "City of Cleveland Small Business Enterprise " or "CSB" means a Business Enterprise certified under division (a) of Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976.

(g) "Cleveland Area Business Code " or "Cleveland Area Business Program " or "CABP" means all of the provisions of this Chapter 187 of the Codified Ordinances of Cleveland, Ohio, 1976.

(h) "Cleveland Area Small Business Enterprise" or "CSBSB" means a Business Enterprise certified under division (a) of Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976.

(i) "Cleveland Contracting Market" or "Contracting Market" means the geographic market area consisting of Cuyahoga County, Ohio, or the geographic market area identified in a disparity study or otherwise provided in Section 187.25. Cleveland Contracting Market shall mean the geographic market area consisting of the City of Cleveland, Ohio, or the geographic market area identified in a disparity study or otherwise provided in Section 187.25.

(j) "Commercially Useful Function" means execution by a CSB, MBE, or FBE of a distinct element of the function of creating, performing or otherwise carrying out actual performance.

(k) "Construction" means the erection, rehabilitation, alteration, conversion, extension, demolition or repair of improvements to real property, including facilities providing utility service and includes the supervision, inspection, and other onsite services of the City incidental to construction.

(l) "Contract" means a binding agreement executed on or after the effective date of this Cleveland Area Business Program by which the City either grants a privilege or is committed to expend or does expend its funds or other resources, or confers a benefit having monetary value including, but not limited to, a grant, loan, interest or real or personal property, or tax incentive in any form or in connection with any work, project, or public purpose including, but not limited to, a contract for the

(1) Construction of any public improvement, including change orders or any subsidiary or other work by the City during the performance of such Construction;

(2) Purchase of personal property;

(3) Purchase of any supplies, equipment or any personal property;

(4) Lease by way of concession under Section 183.03.

(5) Grant by concession agreement of a specific permission, privilege, or license under sections 183.04, 183.041, and 184.044 of the Codified Ordinances.

Contract shall include a binding agreement entered into by the City, between a party to a Contract and a third party, but shall exclude contracts with other public entities, except as provided in Section 187.28. Contract shall exclude loans under $50,000 for storefront renovation. Contract shall exclude grants under $50,000 for storefront renovation shall expire and have no further effect on January 1, 2012, unless changed by further legislation of this Council.

Contracting Enterprise includes any administrative department or board, or commission treated or construed as a department of the City government for any purpose under the Charter or ordinance of the City for the benefit or program of which the City enters into a particular Contract.

(n) "Contractor" means a separate or distinguishable Business Enterprise employing one or more persons and participating in the performance of a Contract, including but not limited to CSBs, MBEs and FBEs where applicable, and shall include a party in privity with a Contractor for implementation of a Contract.

(o) "Control" means the unencumbered ability to direct operations and management.

(p) "Director" means the Director of the Office of Equal Opportunity.

(q) "Disability" means any physical or mental impairment substantially limits one or more of an individual's major life activities.

(r) "Discriminate" means to exclude an individual or group solely on the basis of race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, Disability, ethnic group or Vietnam era or disabled-veteran status.

(s) "Discriminate on the basis of age" means to Discriminate as determined by appropriate Federal law and is not individual discrimination over the age of forty (40).

(t) "Evaluation Credit" means a predetermined number of points in the evaluation of proposals submitted by a Bidder for a Contract that shall only include the specific types or categories of Contracts and Contractors identified in a disparity study or otherwise as the subject of past or present discrimination as provided in Section 187.28. Credit shall only include loans under $50,000 for storefront renovation. Credit shall only include grants under $50,000 for storefront renovation shall expire and have no further effect on January 1, 2012, unless changed by further legislation of this Council.

(u) "Female" includes only a Unit-
Ord. No. 885-10.

By Council Members Conwell and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the 2010 Byrne Justice Assistance Grant Program; authorizing the purchase of necessary items of materials, equipment, services and supplies needed to implement the grant; and authorizing the Director to enter into one or more contracts with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, Parma, and Roger Oviatt to implement the grant.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal enterprise and is necessary to make the purchases and pay monthly fees to the City for the use of regionalized computer-aided design (CAD) equipment and services, which shall be deposited into the fund or funds determined to be appropriate by the Director of Finance.

Section 8. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, Parma, and Roger Oviatt to implement the grant.

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

Section 1. That the Director of Public Safety shall be authorized to apply for and accept a grant in the approximate amount of $1,041,147, from the United States Department of Justice for the 2010 Byrne Justice Assistance Grant Program; that the Director is authorized to file all papers and execute all documents necessary and proper to effectuate the grant under the law; and that the funds are appropriated for the purposes described in the grant application package for the grant contained in the file described below.

Section 2. That the grant application package for the grant, File No. 885-10-A, made a part of this ordinance, and presented to the Finance Committee of the Council at the public hearing on this legislation, is approved in all respects and shall not be changed without the additional written consent of this authority.

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

Section 4. That the Director of Public Safety is authorized to 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 purchase by one or more contractors of all of the necessary items of materials, equipment, services, and supplies needed to implement the grant to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Director of Public Safety. Bids shall be taken in a manner that permits them to be made for all items as a single contract, or by separate contract for each item, or by combination of items as the Board of Control determines.

Section 5. That the costs of the requirement contract or contracts shall be charged against appropriation accounts and the Director of Finance shall certify the amount of the contract or contracts, which purchase, together with all later purchases, shall be made on order of the Board of Control.

That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Safety 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 7. That the Director of Public Safety is authorized to enter into one or more agreements with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, Parma, and Roger Oviatt for the purposes described in the file described below.

Section 9. That the cost of the contract or contracts authorized in this section shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to the City Council, the same 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 September 27, 2010.

Effective September 28, 2010.

Ord. No. 886-10.

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

An emergency ordinance authorizing the Director of Public Safety to accept a grant from the State of Ohio Emergency Management Agency, or a designated entity, for the 2009 Urban Area Security Initiative Program; authorizing the Director of Public Safety to enter into one or more agreements with governmental entities to implement the program as described in the file; and approving the amendment of the Ordinance of Control to implement the program.

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with governmental entities to implement the program as described in the file.

Section 2. That the Director of Public Safety 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 in order to provide professional service in order to implement the program as described in the file.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for employment as may be fixed by the Board of Control. The contract or contracts shall be paid from Fund No. 20 SF 670, not exceed $185,000 and shall be in force from and after the earliest period allowed by law.

Passed September 27, 2010.

Effective September 28, 2010.

Ord. No. 887-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more concession agreements for the operation of concession stands at Gordon Park and Brookside Park. The selection of the concessionaire or concessionaires shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties. A concession fee to be paid to the City of Cleveland shall take effect and be in force immediately upon its passage and approval by the Mayor, shall take effect and be in force from and after the earliest period allowed by law.

Passed September 27, 2010.

Effective September 28, 2010.

Ord. No. 1052-10.

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

An emergency ordinance authorizing the Director of Building and Housing to employ one or more professional consultants to perform deconstruction services of structures in the City of Cleveland.

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

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

Section 1. That the Director of Building and Housing is authorized to employ one or more professional consultants to perform deconstruction services of structures in the City of Cleveland.

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

Pass the following resolution:

Be it Ordinance No. 887-10.

October 6, 2010
The City Record 43
An emergency ordinance authorizing the Director of Economic Development to enter into one or more loan and forgivable loan agreements with MCPC, Inc., or its designee, to provide development assistance to partially finance the renovation and related costs associated with redeveloping the property at 1801 Superior Avenue, and certain other costs necessary to redevelop the property.

Whereas, the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

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

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its August 20, 2010 Board Meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That, provided MCPC, Inc., or its designee, submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into one or more loan and forgivable loan agreements with MCPC, Inc., or its designee, to provide development assistance to partially finance the renovation and related costs associated with relocating their corporate headquarters at 1801 Superior Avenue, and certain other costs necessary to redevelop the property.

Section 2. That the terms of the loans shall be according to the terms set forth in the Summary contained in File No. 1189-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation; and

Section 3. That the total cost of the loans, including forgivable and nonforgivable portions, shall not exceed $100,000, and shall be paid from Fund Nos. 5 SF 542 and 17 SF 000, Request No. RQS 9501 RL 2010-95.

Section 4. That the Director of Economic Development is authorized to negotiate such collateral as the director determines is sufficient in order to secure repayment of the loans. Any loan agreement, forgivable loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loans and deposit the monies in Fund Nos. 10 SF 542 and 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan applications, closing and servicing of the loans. The fees shall be deposited to and expended from Fund Nos. 10 SF 526 and 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other agreements needed to complete the transactions authorized by this legislation shall be prepared by the Director of Law.

Section 8. That the contracts authorized in this legislation will require the recipient of the assistance to work with, and/or cause their Tenant and/or The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified persons for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of, or have pled guilty to a criminal offense, unless the criminal conviction or restitution orders relate to the duties for the particular job sought.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of 2/3 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.

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 authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the provisions of this ordinance.

Section 7. That this ordinance is declared to be an emergency measure, 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 September 27, 2010.
Effective September 28, 2010.

Ord. No. 1280-10.
By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Integrated Consulting & Management, LLC for the professional services necessary to make computer-based automated telephone calls to targeted audiences in the City of Cleveland.

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement with Integrated Consulting & Management, LLC for the professional services necessary to make computer-based automated telephone calls to targeted audiences in the City of Cleveland.

The agreement shall begin October 6, 2010. The agreement shall extend for the usual daily operation of a municipal department; now, therefore,

Passed September 27, 2010.
Effective September 28, 2010.

Ord. No. 1289-10.
By Council Member Pulenza.

A permanent ordinance authorizing the sale of real property as part of the Land Reutilization Program located on scattered sites in the City of Cleveland.

Whereas, real property acquired under the City's Land Reutilization Program is administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Revised Code of the State of Ohio and the Ohio Revised Code to facilitate the reutilization of nonproductive lands situated in the City of Cleveland; now owned or to be acquired by the City of Cleveland's Land Reutilization Program; and

Chapter 11.
By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program located at 6042 W. 81st St. in the City of Cleveland.

That the real property shall be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-004
Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as the Easterly 125 feet of Sublot No. 107 in Horace P. Weddell's Subdivision of part of Original Ten Acres Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 183 of Cuyahoga County Records. Said Sublot No. 107 has a frontage of 40 feet on the Southerly side of Cedar Avenue, S.E., and extends back between masonry lot line 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Passed September 27, 2010.
Effective September 28, 2010.

P. P. No. 103-22-016
Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being the Northernly 25 feet of the North 200 feet of William Williams' Subdivision of part of Original Ten Acres Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Cedar Avenue, S.E. and extending back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Passed September 27, 2010.
Effective September 28, 2010.
Section 13, That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 14, That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 102-22-018
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as Parcel A 1 of the Lot Split and Consolidation plat for BF Partners, LLC, shown by the recorded plat in Volume 341, Page 97 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Section 15, That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 16, That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-019
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as Parcel A2 of the Lot Split and Consolidation plat for BF Partners, LLC, shown by the recorded plat in Volume 341, Page 97 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Section 17, That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 18, That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-020
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Westerly half of Sublot No. 19 in William's Allotment of part of Original Ten Acre Lot Nos. 67 to 70, both inclusive, as shown by the recorded plat in Volume 3, Maps Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E. (formerly Garfield Street) at the Southwesterly corner of land conveyed to Frederick Nauman, by deed dated August 27, 1864, and recorded in Volume 129, Page 203 of Cuyahoga County Records, thence Westerly along the Northerly line of Central Avenue, S.E., 6 inches to the Southwesterly corner of Sublot No. 19; thence Northerly along the Westerly line of said Sublot No. 19, 128 feet, 9 inches to the Northwesterly corner of said Sublot No. 19; thence Easterly along the Northerly line of said Sublot No. 19, to the Northwesterly corner of land so conveyed to Frederick Nauman; thence Easterly along the Westerly line of land so conveyed to Frederick Nauman, to the place of beginning, be the same more or less, but subject to all legal highways.

Section 19, That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 20, That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-040
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot Nos. 65, 66 as shown by the recorded plat in Volume 3 of Maps, Page 31 of Cuyahoga County Records, and part of Sublot No. 18 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records, said part of Sublot No. 2 in Taylor and Hoyt Allotment and said part of Sublot No. 18 in William Williams' Allotment to the Westerly boundary forming a parcel of land bounded and described as follows:

Beginning in the Northerly line of Central Avenue, S.E., 35.32 feet Easterly from the Southwesterly corner of said Sublot No. 2; thence Easterly 35.32 feet along line of Central Avenue, S.E., 35.32 feet to a point in the center of said Sublot No. 18; thence Easterly parallel with the Westerly line of said Sublot No. 18 and about 119 feet to a point in the rear line of said Sublot No. 18, 25 feet Easterly from the Northwesterly corner thereof, thence Westerly along the Northerly line of said Sublot No. 18, 22.88 feet; thence in a straight line to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 21, That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 22, That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-088
Situated in the City of Cleveland, in the County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 16 and 17, in William's Allotment of part of Original Ten Acre Lot Nos. 65, 66, 67, 68 and 69, as shown by the recorded plat in Volume 3 of Maps, Page 31 of Cuyahoga County Records, and part of the Southerly line of land conveyed to Girolamo Rini and Angela Rini, (husband and wife) by deed dated October 1, 1914, and recorded in Volume 163, Page 489 of Cuyahoga County Records; thence Southerly along said Westerly line of land so conveyed to Girolamo Rini and Angela Rini, 30 feet to a Northerly line of land so conveyed to the said Girolamo Rini and
thence Westerly along said Northerly line of land so conveyed to Gir-land Avenue, S.E. and being 28.28 feet from the Easterly line, and having a rear line of 93.81 feet on the Westerly line, which is also the Westerly line of said East 37th Street, and 111.81 feet on the Easterly line, and having a rear line of 46.94 feet parallel by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 29. That under Section 158.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 30. That the real property to be sold pursuant to this Ordi-nance is more fully described as fol-lows:

P. P. No. 103-22-089
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 4 and 5 in Taylor and Hoyt's Subdivision of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records. Said parts of said Sublot Nos. 4 and 5 together forming a parcel of land 28.04 feet from front to rear of Sublot No. 6 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, forming a parcel of land 25 feet front on the Easterly line of said Sublot Nos. 4, about 85 feet 5 inches to the Southerly line of said Sublot No. 4, about 85 feet 5 inches to the Easterly line of said Sublot Nos. 4, about 85 feet 5 inches to the Southerly line of said Sublot No. 4, and about 85 feet 5 inches to the Westerly line of said Sublot Nos. 4, to subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 31. That under Section 158.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 32. That the real property to be sold pursuant to this Ordi-nance is more fully described as fol-lows:

P. P. No. 103-22-090
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 5 and the Southerly 5 feet from front to rear of Sublot No. 6 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, forming a parcel of land 25 feet front on the Easterly line of said Sublot Nos. 4 (now known as East 37th Street) and extending back of equal width 73 feet 5 inches, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 33. That under Section 158.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 34. That the real property to be sold pursuant to this Ordi-nance is more fully described as fol-lows:

P. P. No. 103-22-092
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 10 feet of Sublot No. 6 and the Southerly 15 feet of Sublot No. 7 in Taylor and Hoyt's Subdivision of part of Original Ten Acre Lot No. 66, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 34 of Cuyahoga County Records. Said parts of said Sublot Nos. 6 and 7 together from a parcel of land having a frontage of 25 feet 5 inches on the Easterly line of said East 37th Street (formerly Forest Street) and extending back of equal lines 73 feet 5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 35. That under Section 158.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 36. That the real property to be sold pursuant to this Ordi-nance is more fully described as fol-lows:

P. P. No. 103-22-093 and 103-22-094
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Parcel B in Dedication Plat for Stanley Tol-liver Avenue, S.E. and Lot Split and Consolidation for SFR Partners Co., LLC of part of Original Ten Acre Lot Nos. 66 and 67, as shown by the recorded plat in Volume 350 of Maps, Page 34 of Cuyahoga County Records.

Section 37. That under Section 158.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 38. That the real property to be sold pursuant to this Ordi-nance is more fully described as fol-lows:

P. P. No. 103-22-095
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Parcel "A" in the Dedication Plat for Stanley Tol-liver Avenue, S.E. and Lot Split and Consolidation for SFR Partners Co., LLC, of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 350 of Maps, Page 34 of Cuyahoga County Records, and being a part of land 28.04 feet on the Southerly side of Stanley Tol-liver Avenue S.E. and being 28.28 feet from the Easterly line, and having a rear line of 93.81 feet on the Southerly side of East 37th Street, and 111.81 feet on the Easterly line, and having a rear line of 46.94 feet parallel by said plat, be the same more or less, but subject to all legal highways.

Section 39. That under Section 158.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 40. That the real property to be sold pursuant to this Ordi-nance is more fully described as fol-lows:

P. P. No. 103-22-098 and 103-22-099
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Parcel B in Dedication Plat for Stanley Tol-liver Avenue, S.E. and Lot Split and Consolidation for BFR Partners Co., LLC of part of Original Ten Acre Lot Nos. 66 and 67, as shown by the recorded plat in Volume 350 of Maps, Page 34 of Cuyahoga County Records.

Section 41. That under Section 158.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 42. That the real property to be sold pursuant to this Ordi-nance is more fully described as fol-lows:

P. P. No. 103-22-101
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being part of Sublot Nos. 12 and 13 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded Plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of said East 37th Street at a point distant 26.50 feet from the northerly corner of said Sublot No. 12; thence Northerly 26.50 feet along the Easterly line of said Sublot No. 12; and thence Westerly 25.00 feet along the Northerly line of said Sublot No. 12 to a point in the Easterly line thereof; thence Southerly 26.60 feet along the Easterly line of said Sublot No. 12 and 13 to a point; thence Westerly 73.42 feet parallel with the Southerly line of said Sublot No. 12 to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 43. That under Section 158.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-sioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 44. That the real property to be sold pursuant to this Ordi-nance is more fully described as fol-lows:

P. P. No. 103-22-102
Situated in the City of Cleveland, County of Cuyahoga and State of

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Ohio, and known as being the Northerly 26 2/3 feet of Sublot No. 15 in Taylor and Hoyt’s Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and being 26 2/3 feet of the Easterly side of East 37th Street and extending back of equal width 73 feet 6 inches as appears by said plat, be the same more or less, but subject to all legal highways.

Section 45. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Section 46. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-109
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly part of Sublot No. 18 in Taylor and Hoyt’s Allotment of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and further described as follows:

Said Northerly part of Sublot No. 18 has a frontage of 26 feet on East 38th Street and extending back of equal width 73.50 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning ordinances, if any.

Section 47. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Section 48. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-104
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Southerly 24 feet of Sublot No. 15 in Taylor and Hoyt’s Allotment of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and further described as follows: Sublot No. 15 has a frontage of 24 feet on the Easterly side of East 37th Street (formerly Forest Street) and extends back between parallel lines 73 feet 5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 49. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Section 50. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-107
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 17 in Taylor and Hoyt’s Allotment of a part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and being 26 2/3 feet of the Easterly side of East 37th Street and extending back of equal width 73 feet 6 inches as appears by said plat, be the same more or less, but subject to all legal highways.

Section 51. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Section 52. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-124 and 103-22-126
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a Dedication Plat in Dedication Plat in Dedication Plat in Dedication Plat in Subdivision of part of Original Ten Acre Lot No. 66 in the photographer of said Sublot No. 15 in the Subdivision of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and further described as follows:

That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Section 53. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-145
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in William William’s Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and further described as follows:

That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Restrictions of record and zoning ordinances, if any.

Section 55. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Section 56. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-127
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 20-1/100 feet of Sublot No. 14 and the Northerly 100 feet of Sublot No. 15 in William Williams Allotment of part of Original Ten Acre Lot Nos. 67 to 70 inclusive as shown by the recorded plat in Volume 350 of Maps, Page 6 of Cuyahoga County Records, and further described as follows:

That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Also subject to zoning ordinances, if any.

Restrictions of record and zoning ordinances, if any.

Section 58. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Section 59. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-144
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being the Southerly 20 feet on the Westerly line of said Sublot No. 13, along the Westerly line of Sublot No. 13, to a point 9 feet Southerly from the Northwest corner thereof, thence Easterly parallel with the Northerly side of said Sublot No. 13, 150.60 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 60. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-145
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being the Southerly 20 feet on the Westerly line of said Sublot No. 13, along the Westerly line of Sublot No. 13, to a point 9 feet Southerly from the Northwest corner thereof, thence Easterly parallel with the Northerly side of said Sublot No. 13, 150.60 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 61. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

Section 62. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-145
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being the Northerly 30 feet front to rear of said Sublot No. 13, 150.60 feet to the Southwest corner of said Sublot No. 13, along the Westerly line of Sublot No. 13, to a point 9 feet Southerly from the Northwest corner thereof, thence Easterly parallel with the Northerly side of said Sublot No. 13, 150.60 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 63. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-145
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being the Northerly 30 feet front to rear of said Sublot No. 13, 150.60 feet to the Southwest corner of said Sublot No. 13, along the Westerly line of Sublot No. 13, to a point 9 feet Southerly from the Northwest corner thereof, thence Easterly parallel with the Northerly side of said Sublot No. 13, 150.60 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 64. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-145
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being the Northerly 30 feet front to rear of said Sublot No. 13, 150.60 feet to the Southwest corner of said Sublot No. 13, along the Westerly line of Sublot No. 13, to a point 9 feet Southerly from the Northwest corner thereof, thence Easterly parallel with the Northerly side of said Sublot No. 13, 150.60 feet to the place of beginning, be the same more or less, but subject to all legal highways.
Sublot No. 35 in the William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and extending back of equal width along the Southwesterly side of East 38th Street, (formerly William Street) and extending back of equal width along the Southwesterly side of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Being on the Easterly side of East 38th Street (formerly William Street) at a point 125 feet Southerly from the Southerly line of Cedar Avenue, S. E.; thence Easterly parallel with the Southerly line of Cedar Avenue, S. E., 50 feet to the Easterly line of said Sublot No. 39; thence Northerly along the Easterly line of said Sublot No. 39, 28.60 feet; thence Westerly parallel with the Southerly line of said Sublot No. 39, 150.50 feet to the Westerly line of said East 38th Street; thence Southerly along the Westerly line of East 38th Street, 28.60 feet to the place of beginning or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 63. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 64. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-147

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 36 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Subdivision in Volume 2 of Maps, Page 6 of Cuyahoga County Records, and extending back of equal width along the East side of Sublot No. 36 and 37 together form a parcel of land having a frontage of 28 feet on the Easterly side of East 38th Street (formerly William Street) and extending back of equal width along the West side of said Sublot Nos. 36 and 37, said premises are conveyed subject to and with the right of way in common 6 feet wide and 51 feet in length, extending Easterly from said Easterly line of East 38th Street to the Easterly line of said Sublot No. 36, the center of said right of way being the Southerly line of the above described premises and the side lines of said right of way in common being parallel with the Southerly line and 3 feet distant North and South therefrom, said right of way in common to be kept open and unobstructed and to be used for ingress and egress from and to said premises abutting thereon on the North and South side lines.

Subject to Zoning Ordinances, if any.

Section 65. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 66. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-152

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 26 in William Williams' Allotment of part of Original One Hundred Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly side of East 38th Street (formerly William Street) at a point 125 feet Southerly from the Southerly line of Cedar Avenue, S. E.; thence Easterly parallel with the Southerly line of Cedar Avenue, S. E., 50 feet to the Easterly line of said Sublot No. 39; thence Northerly along the Easterly line of said Sublot No. 39, 28.60 feet; thence Westerly parallel with the Southerly line of said Sublot No. 39, 150.50 feet to the Westerly line of said East 38th Street; thence Southerly along the Westerly line of East 38th Street, 28.60 feet to the place of beginning or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 67. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 68. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-157

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 14, in the William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68 and 69 and the middle of Lot No. 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 38th Street at a point distant 400 feet Southwesterly from the Northerly corner thereof; being the Sublot No. 14, 150.50 feet to the Westerly line of said Sublot No. 14, 150.50 feet to the Westerly line of East 38th Street, 27 feet from the Northwesterly corner of said Sublot No. 14; thence Southerly, along the Westerly line of said East 38th Street, 5 feet; thence Westerly parallel with the Northwesterly line of said Sublot No. 14, 150.50 feet to the Westerly line of East 38th Street, 28.60 feet to the place of beginning or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 69. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 70. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-163

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublot No. 4, in the William Williams' Allotment of the Southerly end of Original Ten Acre Lot Nos. 67, 68 and 69 and the middle of Lot No. 70, as recorded in Volume 3, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of said Sublot No. 14, 74.50 feet from the Westerly line of said East 38th Street, thence Southerly parallel with the Westerly line of said Sublot No. 14, 74.50 feet to the place of beginning; being the Sublot No. 4, 150.50 feet to the Westerly line of East 38th Street, 150 feet deep, as appears by said Plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 71. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 72. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-176

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Parcel C in the Lot Split and Consolidation for BPR Partners Company, of part of Original Ten Acre Lot Nos. 67 to 70, as shown by the recorded Plat in Volume 341, Page 31 of Cuyahoga County Records.

Section 73. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 74. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 84 and the Westerly 8/12 feet from front to rear of Sublot No. 85 in Win. Williams' Allotment of part of Original Ten Acre Lot Nos. 67 to 70, both inclusive, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land 60 feet, 7 inches front on the Southerly side of Cedar Street, (now known as Cedar Avenue), S.E. and extending back of equal width along the Easterly side of Grant Street, now known as East 39th Street, 150 feet deep, as appears by said Plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 75. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 76. That the real property to be sold pursuant to this Ordinance is more fully described as follows:
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being Sublot No. 87 in William, Williams' Re-Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Grant Street (now known as East 39th Street), and extending back of equal width 151 feet, 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 78. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-041 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Parcel A of the Lot Split & Consolidation Plat for BFR Partners, LLC, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Section 79. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

P. P. No. 103-23-042 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 79 in William Williams’ Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69, and 70, said Sublot No. 79 having 151 feet of frontage on the Southerly side of Grant Street (now known as East 39th Street), and extending back of equal width 151 feet, 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways, now known as Parcel B of the Lot Split & Consolidation Plat for BFR Partners, LLC, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Section 80. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-043 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 80 in William Williams’ Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69, and 70, said Sublot No. 80 having 151 feet of frontage on the Southerly side of Grant Street (formerly Grant Street), and extending back of equal width 151 feet, 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways, now known as Parcel C of the Lot Split & Consolidation Plat for BFR Partners, LLC, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Section 81. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John’s West Family Homes, L.P.

P. P. No. 103-23-044 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 81 in William Williams’ Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69, and 70, said Sublot No. 81 having 151 feet of frontage on the Southerly side of Grant Street (formerly Grant Street), and extending back of equal width 151 feet, 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways, now known as Parcel D of the Lot Split & Consolidation Plat for BFR Partners, LLC, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

Section 82. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-039 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 82 in William Williams’ Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69, and 70, said Sublot No. 82 having 151 feet of frontage on the Southerly side of Grant Street (formerly Grant Street), and extending back of equal width 151 feet, 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways, now known as Parcel E of the Lot Split & Consolidation Plat for BFR Partners, LLC, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records.
Section 93. That under Section 133.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 94. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-051
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Parcel B in the Lot Split and Consolidation for EPR Partners, LLC, of part of Original Ten Acre Lot Nos. 67 to 70, as shown by the recorded Plat in Volume 346, Page 57 of Cuyahoga County Records.

Section 95. That under Section 133.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 96. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-096
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Parcel B in the Lot Split and Consolidation for EPR Partners, LLC, of part of Original 10 Acre Lot Nos. 67 to 70, as shown by the recorded Plat in Volume 346, Page 57 of Cuyahoga County Records.

Also subject to zoning ordinances, it is:

Section 97. That under Section 133.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

Section 98. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-23-097
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being part of Sublot No. 78 in William William's Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being a parcel of land 1170 feet on the Easterly side of East 39th Street, and extending back 152.42 feet on the Northerly line, 152.42 feet on the Southerly line, and having a rear line of 12.73 feet as appears by said plat, be the same more or less, but subject to all legacies, known as Parcel "C" in the Lot Split & Consolidation for 13FR Partners Company. Known by Plat Volume 344 of Maps, Page 72 of Cuyahoga County Records.

Section 99. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 100. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 101. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 102. That this ordinance is hereby declared to be an emergency measure and 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 September 27, 2010.
Effective September 27, 2010.

An emergency ordinance amending Section 2 of Ordinance No. 865-09 passed June 8, 2009 as it pertains to the First Tee of Cleveland and the Participant Activity Board Project through the use of Ward 12 Neighborhood Capital Funds.

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

It is hereby amended to read as follows:

Passed September 27, 2010.

Ord. No. 1292-10. By Council Member Zone.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 15 (Maria Konstanino).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District;

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 15;

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

It is hereby ordained by the Council of the City of Cleveland:

Section 1. That, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council hereby consents to allow the person named in this section to engage in peddling in the public right of way in Ward 15 at the locations specified: Maria Konstanino, 496 Clark Avenue.

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

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

An emergency ordinance amending Section 2 of Ordinance No. 765-10 passed May 26, 2010 as it pertains to the Cleveland Metropolitan School District's After-School Education Program through the use of Ward 1 Neighborhood Equity Funds.

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

It is hereby amended to read as follows:

Passed September 27, 2010.

Ord. No. 1298-10. By Council Member Zone.
An emergency ordinance amending Section 2 of Ordinance No. 765-10 passed May 26, 2010 as it pertains to the Cleveland Metropolitan School District's After-School Education Program through the use of Ward 1 Neighborhood Equity Funds.

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

It is hereby amended to read as follows:

Passed September 27, 2010.

Effective September 28, 2010.
Section 2. That the cost of said contract shall be in an amount not to exceed $25,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 765-10 passed May 26, 2010 is hereby repealed.

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

Passed September 27, 2010.
Effective September 28, 2010.

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

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1:30 p.m.

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