

# The City Record

Official Publication of the Council of the City of Cleveland



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October the Sixth, Two Thousand and Ten

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

The City Record is available online at  
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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

### Ward Name Residence

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

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

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
Valerie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability  
Natoya J. Walker, Interim Director, Office of Equal Opportunity  
DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,  
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106  
Pam Benjamin, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;  
Frank Badalamenti, Manager, Internal Audit

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

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

Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – John Christopher Nielson, Commissioner  
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director  
Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113  
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517  
Engineering and Construction – \_\_\_\_\_, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
Streets – Randall T. Scott, Commissioner, Room 25  
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
Environment – Willie Bess, Commissioner, Mural Building, 75 Erieview Plaza  
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230  
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive  
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue  
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director  
Cleveland Convention Center, Clubroom A, 1220 East 6th Street

DIVISIONS: Convention Center & Stadium – James Glending, Commissioner  
Public Auditorium, East 6th Street and Lakeside Avenue  
Parking Facilities – Leigh Stevens, Commissioner  
Public Auditorium, East 6th Street and Lakeside Avenue  
Park Maintenance and Properties – Richard L. Silva, Commissioner  
Public Auditorium – East 6th Street and Lakeside Avenue  
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard  
Recreation – Kim Johnson, Commissioner, Room 8  
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road  
Burke Lakefront Airport

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

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

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

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

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman \_\_\_\_\_, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

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

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

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

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

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Robert J. Triozzi; Councilman \_\_\_\_\_.

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

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

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member \_\_\_\_\_, Ed Romero.

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

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

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

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

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

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

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

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

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, OCTOBER 6, 2010

No. 5052

## CITY COUNCIL

MONDAY, OCTOBER 4, 2010

The City Record  
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Address all communications to

**PATRICIA J. BRITT**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 4, 2010

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

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

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

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

#### MOTION

On the motion of Council Member 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 Office of Equal Opportunity — Compliance Report Chapter 188, September 2010 Bi-Monthly Report. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

**File No. 1338-10.**

Re: #8990179 — D1, D2 Transfer of Ownership Application - TOP ROCCO, LLC., DBA Top Rocco's Firehouse Pizza, 14304 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. 1340-10**—William (Tang) Dudley.

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

**Res. No. 1342-10**—Sgt. Martin A. Stanton, Badge #9920.

#### 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 Tomsic.

#### 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 Feeney.

**Res. No. 1348-10**—Michael Burke.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 1321-10.**

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

**An emergency ordinance approving the Tax Incentive Review Council's Year 2009 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 unique to the owner's business; and

Whereas, in compliance with Section 5709.88 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by 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-A 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 and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1322-10.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Clark Schaefer Hackett for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2010 financial statements and to complete two statements of Auditing Standards for the Divisions of Water and Taxation; for a period of one year, with three one-year options to renew, the second of which is exercisable through additional legislative authority.**

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

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

**Section 1.** That the Director of Finance is authorized to enter into one or more contracts with Clark Schaefer Hackett for professional services necessary to complete an independent assessment and to 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 statements on Auditing Standards for the Divisions of 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 may be exercised by the Director of Finance, without the necessity of obtaining additional authority of this Council. The second 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 exercisable 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 or contracts authorized shall be paid from funds appropriated for this purpose in budget year 2011, Request No. RQS 1506 RL 2010-169.

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

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

**Ord. No. 1323-10.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to exercise the second option to renew Contract No. 68663 with Active Network to provide further development of the City's 311 Call Center initiative.**

Whereas, under the authority of Ordinance No. 341-08, passed April 7, 2008, the Director of Finance entered into Contract No. 68663 with Active Network to provide development of the City's 311 Call Center initiative; and

Whereas, Ordinance No. 341-08 requires further legislation before exercising the second option to renew on this contract; and

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

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

**Section 1.** That the Director of Finance is authorized to exercise the second option to renew Contract No. 68663 at a cost not to exceed \$676,380, with Active Network to further develop the City's 311 Call Center initiative for various divisions of City government. This ordinance constitutes the additional legislative authority required by Ordinance No. 68663 to exercise this option.

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

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

**Ord. No. 1324-10.**

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

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

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Circadian Knight Corp. d/b/a Top Gun ("Lessee") for use and occupancy of approximately 205 square feet of office space located in Room 162 of the terminal building at Burke Lakefront Airport ("Leased Premises") for flight training and related services. The term of the lease shall be for a two year period, commencing on the effective date of the Lease, 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 first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. For use 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 Law.

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

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

**Ord. No. 1325-10.**  
**By Council Members Mitchell,**  
**Miller, Cleveland and Sweeney (by**  
**departmental request).**

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

Whereas, the Council of the City of Cleveland, by Resolution No. 1196-10, adopted September 13, 2010, declared the necessity and intention of appropriating the temporary construction easement described in this ordinance for the public purpose of replacing East 93rd Street, including the East 93rd Street bridge; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of replacing the East 93rd Street, including the East 93rd Street bridge, the following described temporary construction easement is appropriated:

PARCEL 2-T  
 CUY-EAST 93RD STREET  
 TEMPORARY EASEMENT FOR  
 THE PURPOSE OF  
 PERFORMING THE WORK  
 NECESSARY FOR THE  
 REHABILITATION OF THE EAST  
 93RD STREET BRIDGE  
 OVER GCRTA AND NORFOLK  
 SOUTHERN RAILROADS  
 FOR 24 MONTHS FROM THE  
 DATE OF ENTRY BY THE  
 CITY OF CLEVELAND,  
 CUYAHOGA COUNTY, OHIO

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:

Commencing at the intersection of the centerline of right of way of East 93rd Street and the centerline of Nevada Avenue; said point being at East 93rd Street centerline Station 3 + 27.18;

Thence North 00° 25' 04" West in the centerline of East 93rd Street, 203.23 feet to a point;

Thence South 89° 34' 56" West, 30.00 feet to a point 30.00 feet Left of Station 5 + 30.41; said point being the point of beginning for the easement herein described;

Thence South 89° 36' 32" West, 7.12 feet to a point 37.12 feet Left of Station 5 + 30.42;

Thence North 00° 23' 28" West, 41.99 feet to a point 37.10 feet Left of Station 5 + 72.41;

Thence North 89° 22' 10" East, 3.19 feet to a point 33.91 feet Left of Station 5 + 72.42;

Thence North 00° 32' 22" West, 62.84 feet to a point 34.05 feet Left of Station 6 + 35.26;

Thence South 89° 40' 32" West, 110.82 feet to a point 144.87 feet Left of Station 6 + 35.44;

Thence North 55° 25' 12" East, 102.66 feet to a point 59.92 feet Left of Station 6 + 93.09;

Thence South 34° 34' 48" East, 53.28 feet to a point 30.00 feet Left of Station 6 + 49.00;

Thence South 00° 25' 04" East in the westerly right of way line of East 93rd Street, 118.59 feet to the point of beginning;

Containing within said bounds 4073 sq. ft. or 0.0935 acre of land as calculated and described in April, 2010 by David L. Elwell, Professional Surveyor No. 6333, of KS Associates, Inc.

Basis of bearings: City of Cleveland C.R.G.S. monumentation.

Grantor claims title by Instrument No. 200810090144 of 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, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1327-10.**  
**By Council Member Sweeney (by**  
**departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Department of Justice for the CATS Plus Program; and authorizing the Director to enter into one or more contracts with the City of Akron, Community Assessments & Treatment Services, Inc., and various agencies, entities, or individuals to implement the grant.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$200,000, and any other funds that may become available during the grant term from the Department of Justice to conduct the CATS Plus Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1327-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$66,666 from Fund No. 10 SF 087, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts with the City of Akron, Community Assessments & Treatment Services, Inc., and various agencies, entities, or individuals to implement the grant as described in the file.

**Section 4.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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

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

**Ord. No. 1329-10.**  
**By Mayor Jackson.**

**An emergency ordinance to discontinue the Department of Consumer Affairs, the Office of Consumer Affairs, and the Division of Real Estate by repealing Sections 123.07, 137.09, 137.10, 147.01, 147.02, and 643.05 of the Codified Ordinances of Cleveland, Ohio, 1976; to establish the Division of Neighborhood Development and the Office of Fair Housing and Consumer Affairs within the Department of Community Development by enacting new Sections 137.03, 137.04, 137.09, and 137.10; to amend Section 137.02 relating to the duties of the Director of Community Development; to amend Section 159.01 regarding the establishment, term, meetings, of the Fair Housing and Consumer Affairs Board; and to amend various sections within the code to conform to the various name changes 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 79 of the Charter, the Department of Consumer Affairs is discontinued and Sections 147.01 and 147.02, as amended by Ordinance No. 1137-01, passed November 26, 2001, and Section 643.05, as amended by Ordinance No. 1345-01, passed December 10, 2001, are repealed.

**Section 2.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the Office of Consumer Affairs is discontinued and Section 123.07, as amended by Ordinance No. 2090-B-76, passed January 24, 1977, is repealed.

**Section 3.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 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, as enacted by Ordinance No. 1117-06, passed January 28, 2008, are repealed.

**Section 4.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 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**

There is established a Division of Neighborhood Development in the Department of Community Development, which shall be administered by a Commissioner of Neighborhood Development, subject to the provisions of 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 City 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 development objectives; shall manage and propose allocation of the City's capital resources to provide incentives for private investment in residential and commercial development within the City, shall plan and implement City programs intended to foster the construction of safe, high-quality, 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 process complaints regarding unlawful discriminatory housing practices; accept, investigate and process complaints from consumers regarding fraudulent, unfair, deceptive or unconscionable business 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 further 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 under the supervision and direction of the Director of Community Development and subject to the Charter and ordinances of the City, shall have the authority to:

(a) Delegate personnel in the Office of Fair Housing and Consumer Affairs to aid and assist the Manager in the proper discharge of his duties and powers;

(b) Supervise the execution and enforcement of all laws, rules and

regulations pertaining to fair housing and consumer affairs as provided in the Fair Housing and Consumer Protection Codes;

(c) Receive moneys and issue vouchers for the disbursement of moneys in accordance with the terms of any stipulated settlement agreement made pursuant to division (a) of Section 643.13 of these Codified Ordinances;

(d) Accept, investigate and, if necessary, adjudicate, in conjunction with the Law Department, complaints regarding violations of the Fair Housing and Consumer Protection codes.

(f) Make studies, conduct tests and establish programs to educate and inform consumers of practices and problems and represent the interest of consumers before administrative and regulatory agencies;

(g) Work with governmental agencies and private consumer groups to insure the protection of consumers and to coordinate activities for the common municipal good;

(h) Make a written annual report to the Mayor enumerating the activities and recommendations of the Office of Fair Housing and Consumer Affairs;

(i) Do any and all acts which may be necessary for the successful prosecution of the purposes of the Fair Housing and Consumer Protection Code and such other acts as may be specifically enumerated herein including, but not limited to requiring that certain classes of merchants be licensed by the Office of Consumer Affairs subject to approval by Council through the Commissioner of Assessments and Licenses when the Director determines such licensing to be in the public interest and necessary for the protection of consumers.

**Section 6.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter, the duties of the Director of Community Development are amended, and for such purposes Section 137.02 of the Codified Ordinances of Cleveland, as amended by ordinance No. 1266-02, passed January 26, 2003, is amended to read as follows:

**Section 137.02 Duties of the Director of Community Development**

The Director of Community Development shall administer the Department 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 departments, divisions and offices of the City, with Federal, State and County offices and agencies; 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 supervise all projects undertaken by the City for the redevelopment, renewal, 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 on behalf of 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 consumers and service providers as to their rights and responsibilities under federal, state and local laws;** and do and perform such other duties as may from time to time be required of him by 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 January 26, 2003, is repealed.

**Section 8.** That Section 159.01, as amended by Ordinance No. 729-72, passed June 26, 1972, 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) citizen members nominated by the Mayor and confirmed by Council. The member appointed by the Mayor and the member appointed by Council each shall be appointed for a term of three (3) years. Of the citizen members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years; thereafter appointments shall be for three (3) years.**

**Section 9.** That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 173.67, as amended by Ordinance No. 2224-2000, passed December 4, 1990,

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

Section 643.04, as amended by Ordinance No. 125-82, passed December 20, 1982,

Section 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,

Section 643.11, as amended by Ordinance No. 1345-01, passed December 10, 2001,

Section 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,

Section 647.07, as enacted by Ordinance No. 2269-74, passed June 30, 1975,

Section 649.03, as enacted by Ordinance No. 641-74, passed June 24, 1974,

Section 651.03, as amended by Ordinance No. 1640-73, passed August 10, 1973,

Section 659.05, as enacted by Ordinance No. 737-02, passed April 22, 2002,

Section 665.02, as amended by Ordinance No. 1260-08, passed November 30, 2009,

Section 665.05, as amended by Ordinance No. 2317-04, passed December 13, 2004,

Sections 665.06 and 665.07, as amended by Ordinance No. 295-08, passed April 7, 2008,

Section 665.08, as amended by Ordinance No. 162-A-2000, passed December 4, 2000,

Section 665.09, as amended by Ordinance No. 1081-01, passed June 19, 2001,

Section 665.10, as amended by Ordinance No. 295-08, passed April 7, 2008.

Section 665.12, as amended by Ordinance No. 162-A-2000, passed December 4, 2000.

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

Section 665.18, as amended by Ordinance No. 162-A-2000, passed December 4, 2000.

Section 665.99 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, 2000, 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 as 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, under the supervision 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 shall be 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 adoption, 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 intended action by publication in the City Record setting forth the date, time and place of a public hearing and the contents of 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 for all such tests. If the report substantiates that a violation of this Code exists, the person responsible for the 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 thereto, 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 two years 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 apply to 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 of violations thereof.

(c) The court may award to the City or the complainant 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 subject to this Code to cease and desist from engaging in such violations or from engaging in unfair, deceptive, fraudulent or uncon-

scionable 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 determination or order made 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 and thereafter 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 on a form prescribed for that purpose by the Office of Fair Housing and Consumer Affairs.

**Section 645.03 Regulations and Exemptions**

The Manager of Fair Housing and Consumer Affairs shall promulgate regulations, under Section 643.06, designating those prescription drugs which because of the frequency with which they are prescribed, shall be posted under Section 645.02. The Manager may exempt from such regulation such drugs whenever he finds that, because of the nature of such prescription drugs, compliance with 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 effectuate 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; Enforcement**

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 647.07 Extension of Time for Compliance**

Any retail establishment which is unable to comply with this chapter 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, but not to exceed ninety days in total.

**Section 649.03 Failure to Post Prices; Enforcement**

Failure to post prices as set forth in Sections 649.01 and 649.02 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 a written request supported by evidence of exceptional circumstances and substantial efforts to comply prior to the effective date would justify his finding that full compliance on or 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 listing of those business entities that have been determined to make predatory loans under this Chapter and shall regularly distribute this listing to all City departments. This listing shall also be made available to the public free of charge by request of the **Office of Fair Housing and Consumer Affairs**. The **Manager** shall also maintain a list of HUD-certified housing counseling 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) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(b) "Covered multi-family dwellings" means buildings consisting of four or more units, if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(1) means, with respect to a person:

A. a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self such as: performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working;

B. a record of a physical or mental impairment;

C. being regarded as having a physical or mental impairment; or

D. any person associated with that person, and any person residing or intending to reside with that person.

(2) does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. Section 802.

(d) "**Manager of Fair Housing and Consumer Affairs**" means the **Manager** as established and defined in Section 137.03.

(e) "**Fair Housing and Consumer Affairs Board**" means the Board as established and defined in Section 159.01.

(f) "Familial status" refers to the status of:

(1) one or more individuals (who have not attained the age of eighteen years) being domiciled with:

A. a parent or another person having legal custody of the individual or individuals; or

B. the designee of the parent or other person having such custody, with the written permission of the parent or other persons.

(2) any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(g) "Gender identity or expression" means the gender-related identity, external presentation of gender identity through appearance, or mannerism or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

(h) "Housing for older persons" means:

(1) housing provided under any State or Federal program that the Secretary of the United States Department of Housing and Urban Development (hereafter "HUD") determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program);

(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 or older per unit. The determination as to whether housing qualifies as housing for older persons under this division shall be consistent with regulations promulgated by the Secretary of HUD, which require that at least the following factors are present:

A. the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or if the provision of the facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons; and

B. that at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and

C. the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(4) Housing shall not fail to meet the requirements for housing for older persons by reason of:

A. there being persons residing in the housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of division (i)(2) or (3) of this section; provided that the new occupants of the housing meet the age requirements of division (i)(2) or (3); or

B. there being unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of division (i)(2) or (3).

(i) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.

(j) "Person" means one or more individuals, partnerships, associations, organizations, corporations, joint stock companies, mutual companies, legal representatives, trusts, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, appraiser, agent, employee, and lending institution.

(k) "Property", as used in this chapter, means any building, structure, facility or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied;

(1) as the residence, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other, and includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person with authorization of the owner, by the owner, or by the person's legal representative;

(2) for the purpose of operating a business, an office, a manufactory or public accommodation; or

(3) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(l) "Protected group" or "protected class" refers to persons who are or may be discriminated against on the basis of race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry.

(m) "Purchase" means to obtain property through sale.

(n) "Real estate broker" means a real estate agent or salesperson, or a limited real estate broker or salesperson as defined in Section 4735.01 of the Revised Code.

(o) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy property not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(p) "Sale or sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, property in return for consideration, or a contract or option to do any of the foregoing.

(q) "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality or heterosexuality, by orientation or practice.

(r) "Solicitation" or "solicit" means the mailing or delivery of any printed matter or any oral communication either in person or by telephone to the owner or occupant of property by any real estate broker, agent, sales representative or other person for any of the following purposes:

(1) advertising the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell or rent property;

(2) requesting or suggesting that the owner or occupant list his property for sale or rent; or

(3) offering to purchase or rent the owner's property.

### Section 665.05 Fair Housing and Consumer Affairs Board; Powers; Duties; Responsibilities

The Fair Housing and Consumer Affairs Board ("the Board") shall



have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of any section. The Board shall have and may exercise the following powers to implement the purposes of this chapter:

(a) to hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(b) to subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(c) to adopt such rules and regulations as the Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;

(d) to do such other acts as are necessary and proper to perform those duties with which the Board is charged under this chapter, including the provision of referral services for the community;

(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 January 31 of each 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 organization throughout the City;

(g) to initiate an investigation without the filing of an official complaint, provided a majority of the Board elects to proceed based upon reasonable cause to believe that violations of this chapter are occurring or have occurred. The Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint;

(h) to enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter;

(i) to refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate;

(j) if the Board has reasonable cause to believe that any person or persons are engaged in unlawful discriminatory housing practices as described in Section 665.03, the 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 665.06 Complaints**

(a) Any aggrieved person may allege that a violation of Section 665.03 has occurred or is about to occur by filing with the Fair Housing and Consumer Affairs Board, within one hundred and eighty (180) days of the alleged violation, a sworn, written complaint setting forth his or her grievance. The complaint 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 and the particular facts and other information as may be required by the Board. A complaint may be amended at any time before the hearing is conducted under Section 665.09, and thereafter only with permission of the Fair Housing and Consumer Affairs Board. On the filing of a complaint, the Fair Housing and Consumer Affairs Board shall acknowledge the receipt of the complaint and serve notice to the complainant, which notice shall also contain information as to the time limits, notice of procedural rights and obligations and choice of forum provided in this chapter.

(b) Within ten (10) days after a complaint has been received by the Fair Housing and Consumer Affairs Board, it shall serve or cause to be served, in person or by certified mail, a copy of the complaint on the respondent alleged to have committed a violation of Section 665.03. Along with the service of the complaint, the Fair Housing and Consumer Affairs Board shall advise the respondent, in writing, of his or her procedural rights and obligations under this chapter. The respondent may file a written verified answer to the complaint with the Fair Housing and Consumer Affairs Board within ten (10) days after receipt of notice of the complaint, and thereafter only with permission of the Fair Housing and Consumer Affairs Board.

(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 respondents under this section, and a copy of the original complaint.

#### **Section 655.07 Investigation of Complaints**

(a) Investigations shall be commenced by the Manager of Fair Housing and Consumer Affairs or his or her designee or designees within thirty (30) days after a complaint has been received. Conciliation, under Section 665.08, shall be attempted beginning with the filing of the complaint and ending with the filing of a charge or a dismissal of the complaint. If conciliation has failed and the investigation has been completed, the Manager of Fair Housing and Consumer Affairs shall determine that:

(1) there are reasonable grounds to believe that a violation of Section 665.03 has occurred, in which case the Manager of Fair Housing and Consumer Affairs shall issue a charge stating the facts forming the basis for the finding of reasonable grounds to believe discrimination occurred or is about to occur under Section 665.03. The Manager of Fair Housing and Consumer Affairs shall then forward the complaint to the Fair Housing and Consumer Affairs Board for a hearing, under Section 665.09; or

(2) there are no reasonable grounds to believe that a violation of Section 665.03 has occurred or was about to occur, in which case the Manager of Fair Housing and Consumer Affairs shall prepare and

issue a written notice of dismissal, within five (5) days of the finding of no reasonable grounds, by serving a copy of the notice of dismissal by certified mail on the parties. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen (14) days of receipt of notice of dismissal, the complainant may request, in writing, reconsideration by the Fair Housing and Consumer Affairs Board of the dismissal. By a majority vote, the Fair Housing and Consumer Affairs Board may affirm or reverse the dismissal. If the Fair Housing and Consumer Affairs Board reverses, it shall refer the complaint to the Manager of Fair Housing and Consumer Affairs for conciliation and other actions consistent with this chapter.

(b) The Manager of Fair Housing and Consumer Affairs shall complete the investigation within one hundred (100) days after receipt of the complaint, unless impracticable, in which case the Fair Housing and Consumer Affairs Board shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

(c) The Manager of Fair Housing and Consumer Affairs and his or her designee and staff may be assisted in the investigation by a fair housing agency or other appropriate organization or person under contract with the City.

#### **Section 665.08 Conciliation Process**

(a) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Fair Housing and Consumer Affairs Board, the Fair Housing and Consumer Affairs Board shall, to the extent feasible, engage in conciliation with respect to such complaint. As appropriate, the Manager of Fair Housing and Consumer Affairs or his or her designee shall:

(1) notify the complainant and respondent of the time, place and date of the conciliation conference at least ten (10) days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(2) attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing and Consumer Affairs Board. The terms of the conciliation agreement shall be made public, unless the complainant and the respondent agree otherwise and the Fair Housing and Consumer Affairs Board determines that disclosure is not required to further the purposes of this chapter.

(b) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

**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 to all parties, hold a hearing on the complaint. Parties to the hearing shall be the complainant and 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 a summons requiring the attendance 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 name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may appear before such Board in person or by duly authorized representative and may be represented by legal counsel. The parties shall have the right to present witnesses and to cross-examine witnesses, and all testimony and evidence shall be given under oath or by 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 hearing 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 rendered in the form of a written order and which shall include findings of fact and a statement as to whether the respondent has violated or was about to violate Section 665.03 and any remedial actions as the Fair Housing and Consumer Affairs Board may order under Section 665.13. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person on request and payment of reproduction costs.

(b) If the Fair Housing and Consumer Affairs Board is unable to make a recommendation within the time frame indicated in section (a), the Fair Housing and Consumer Affairs Board shall notify the Manager of Fair Housing and Consumer Affairs, the complainant and the respondent in writing of the reasons for not doing so.

**Section 665.12 Injunctive Relief**

At any time after the filing of a complaint referred to in Section 665.07, the Fair Housing and Consumer Affairs Board may request 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 doing or causing any act which would render ineffectual any order or action by the Fair Housing and Consumer Affairs Board.

**Section 665.13 Remedial Actions**

(a) If the Fair Housing and Consumer Affairs Board finds that the respondent has not violated or was not about to violate Section 665.03, its order under Section 665.10 shall dismiss the complaint.

(b) If the Fair Housing and Consumer Affairs Board finds that the respondent has violated or was not about to violate Section 665.03, its order under Section 665.10 shall provide for the taking of remedial action, as it deems appropriate, which may include but not be limited to:

(1) directing the respondent to cease and desist from violations of Section 665.03 and to take affirmative steps as necessary to effectuate the purposes of this chapter;

(2) initiating, at the Fair Housing and Consumer Affairs Board's expense, an appropriate court action for the enforcement of Section 665.03, and for other or further relief as the court may deem appropriate including, but not limited to, injunctive relief, compensatory damages, punitive damages to the complainant and/or attorneys' fees and costs incurred by the complainant and/or the 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 contracting agency, in the case of any violation of Section 665.03 by respondent in the course of performing under a contract or subcontract with the State or any political subdivision or agency, or with the United States of America or any agency or instrumentality, for the purpose of terminating the contract or any portion of the contract, or obtaining other relief;

(5) initiating proceedings with the State of Ohio, where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 665.03;

(6) directing the respondent to reimburse the complainant and/or the City, as applicable, for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs;

(7) directing the respondent to reimburse the City for its actual reasonable direct expenses incurred and to be incurred as a result of each violation found including reasonable attorneys' fees and costs.

(8) assessing compensatory damages, as appropriate, or arrange to have adjudicated in court, at the Fair Housing and Consumer Affairs Board's expense, the award of com-

pensatory damages against the respondent.

(9) assessing civil penalties, as appropriate, or arranging to have adjudicated in court at the Fair Housing and Consumer Affairs Board's expense, the award of punitive damages against the respondent. For purposes of this chapter, civil penalties are defined as penalties assessed against the respondent to vindicate the public interest in an amount:

A. not exceeding \$50,000 for a first violation; and

B. not exceeding \$100,000 for any subsequent violation.

(10) such other further relief as the Fair Housing and Consumer Affairs Board may deem appropriate for enforcement of Section 665.03.

(c) The Fair Housing and Consumer Affairs Board shall make a final administrative disposition of a complaint within one (1) year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and respondent shall be notified, in writing, of the reasons why disposition of the complaint cannot be made within the time prescribed.

(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 Cuyahoga County Common Pleas Court under Chapter 2506 of the Revised Code, or in another forum or court of competent jurisdiction as provided by law.

**Section 665.18 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 a person's or persons' full enjoyment of the rights granted by Section 665.03 or 665.19, of this chapter, or that any group of persons has been denied any of the rights granted by 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 665.99 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 665.15 of this chapter is guilty of a misdemeanor of the first degree.

(c) The Fair Housing and Consumer Affairs Board may not initiate any criminal proceeding arising under this chapter. However, nothing in this Section 665.99 shall prevent such Board from referring a possible criminal violation to the appropriate authorities.

**Section 667.012 Complaints; Procedure; Hearings**

Any aggrieved person may allege that a violation of Section 667.01 has occurred by filing a complaint with the Fair Housing and Consumer

**Affairs** Board in the time, manner and form prescribed under Section 665.06 for complaints 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 667.013 Remedies and Relief**

The City, the Fair Housing and Consumer Affairs Board, any person aggrieved by a violation of Section 667.01 and any respondent thereto shall have the same rights, powers, duties and responsibilities with respect to remedies and relief for violation of Section 667.01 as they have under Section 665.11 through Section 665.13 with respect to a violation of Section 665.03, except as may be inapplicable or required by the context or by law.

**Section 10.** That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 159.01, as amended by Ordinance No. 729-72, passed June 26, 1972,

Section 173.67, as amended by Ordinance No. 2224-2000, passed December 4, 1990,

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

Section 643.04, as amended by Ordinance No. 125-82, passed December 20, 1982,

Sections 643.05 and 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,

Section 643.11, as amended by Ordinance No. 1345-01, passed December 10, 2001,

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

Sections 645.02, 645.03, and 645.04, as enacted by Ordinance No. 709-74, passed July 29, 1974,

Section 647.07, as enacted by Ordinance No. 2269-74, passed June 30, 1975,

Section 649.03, as enacted by Ordinance No. 641-74, passed June 24, 1974,

Section 651.03, as amended by Ordinance No. 1640-73, passed August 10, 1973,

Section 659.05, as enacted by Ordinance No. 737-02, passed April 22, 2002,

Section 665.02, as amended by Ordinance No. 1260-08, passed November 30, 2009,

Section 665.05, as amended by Ordinance No. 2317-04, passed December 13, 2004,

Section 665.051, as amended by Ordinance No. 1081-01, passed June 19, 2001,

Sections 665.06 and 665.07, as amended by Ordinance No. 295-08, passed April 7, 2008,

Section 665.08, as amended by Ordinance No. 162-A-2000, passed December 4, 2000,

Section 665.09, as amended by Ordinance No. 1081-01, passed June 19, 2001,

Section 665.10, as amended by Ordinance No. 295-08, passed April 7, 2008,

Section 665.12, as amended by Ordinance No. 162-A-2000, passed December 4, 2000,

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

Section 665.18, as amended by Ordinance No. 162-A-2000, passed December 4, 2000,

Section 665.99 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, 2000, are repealed.

**Section 11.** 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 12.** That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the Director of Consumer Affairs shall be amended to read "Manager of Fair Housing and Consumer Affairs", any references to the Department of Consumer Affairs shall be amended to read "Office of Fair Housing and Consumer Affairs", any references to the Division of Real Estate shall be amended 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 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 Director of Consumer Affairs to read "Manager of Fair Housing and Consumer Affairs", Department of Consumer Affairs to read "Office of Fair Housing and Consumer Affairs", Division of Real Estate to read "Division of Neighborhood Development", and the Commissioner of Real Estate to read "Commissioner of Neighborhood Development" consistent with this ordinance.

**Section 14.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of 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 Department of Public Works, 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:

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

Section 131.02, as amended by Ordinance No. 617-97, passed June 9, 1997,

Section 131.05, as enacted by Ordinance No. 97148, passed March 21, 1932,

Section 131.06, as amended by Ordinance No. 2111-A-69, passed March 9, 1970,

Sections 131.07 and 131.08, as enacted by Ordinance No. 1017890-A, passed October 1, 1934,

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

Section 131.12, as amended by Ordinance No. 802-69, passed May 19, 1969,

Section 131.13, as amended by Ordinance No. 90-43, passed April 19, 1943,

Sections 131.14 and 131.15, as amended by Ordinance No. 802-69, passed May 19, 1969,

Sections 131.151 and 131.152, as amended by Ordinance No. 1806-2000, passed March 19, 2001,

Sections 133.01, as amended by Ordinance No. 1662-91, passed April 6, 1992,

Section 133.02, as amended by Ordinance No. 2225-93, passed November 8, 1993,

Section 133.021, as amended by Ordinance No. 1662-91, passed April 6, 1992,

Sections 133.06, 133.07, and 133.08, as amended by Ordinance No. 1662-91, passed April 6, 1992,

Section 133.09, as amended by Ordinance No. 1500-03, passed October 6, 2003,

Section 133.10, as amended by Ordinance No. 2044-92, passed December 7, 1992,  
 Section 133.11, as amended by Ordinance No. 1500-03, passed October 6, 2003,  
 Section 133.12, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.13, as amended by Ordinance No. 2512-93, passed June 6, 1994,  
 Section 133.20, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.21, as amended by Ordinance No. 2512-93, passed June 6, 1994, and  
 Sections 133.22 and 133.23, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 are repealed.

**Section 2.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:  
 Section 131.021, as enacted by Ordinance No. 313-92, passed December 7, 1992,  
 Section 131.03, as amended by Ordinance No. 2279-95, passed June 12, 2000,  
 Section 131.04, as enacted by Ordinance No. 425-43, passed April 30, 1945,  
 Section 131.061, as enacted by Ordinance No. 7-16, passed March 20, 2006,  
 Section 131.09, as enacted by Ordinance No. 1017890-A, passed October 1, 1934,  
 Section 131.10, as enacted by Ordinance No. 153-39, passed March 13, 1939,  
 Section 131.16, as amended by Ordinance No. 891-86, passed May 23, 1986,  
 Sections 131.17, 131.18, and 131.19, as enacted by Ordinance No. 686-07, passed June 11, 2007,  
 Section 131.99, as enacted by Ordinance No. 107152, passed February 14, 1938,  
 Section 133.03, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.031, as amended by Ordinance No. 774-A-94, passed May 2, 1994,  
 Section 133.04, as amended by Ordinance No. 768-2000, passed June 12, 2000,  
 Sections 133.14 and 133.15, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.16, as amended by Ordinance No. 1027-2000, passed June 5, 2000,  
 Section 133.17, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.171, as enacted by Ordinance No. 1970-2000, passed July 18, 2001,  
 Sections 133.18 and 133.19, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.24, as amended by Ordinance No. 2008-99, passed November 15, 1999,  
 Sections 133.25, 133.26, and 133.27, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.271, as amended by Ordinance No. 1252-09, passed October 19, 2009,  
 Section 133.28, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.29, as amended by Ordinance No. 503-08, passed April 13, 2998,  
 Section 133.30, as amended by Ordinance No. 943-04, passed June 14, 2004,  
 Section 133.31, as amended by Ordinance No. 1662-91, passed April 6, 1992,  
 Section 133.311, as amended by Ordinance No. 323-99, passed April 3, 2000,  
 Section 133.32, as amended by Ordinance No. 1142-03, passed June 10, 2003  
 Section 133.321, as amended by Ordinance No. 1106-03, passed June 10, 2003,  
 Section 133.322, as amended by Ordinance No. 834-06, passed June 12, 2006,  
 Section 133.33, as amended by Ordinance No. 2393-02, passed February 3, 2003,  
 Section 133.331, as amended by Ordinance No. 637-02, passed May 20, 2002, and  
 Section 133.34, as amended by Ordinance No. 2393-02, passed February 3, 2003,  
 are repealed.

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

#### **CHAPTER 131 DEPARTMENT OF PUBLIC WORKS**

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

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

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

The Director of Public Works either directly or through the appropriate divisions established in the Department of Public Works, shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided by the Charter and ordinances of the City. He shall have charge of the planning, construction, improvement, repair and maintenance of streets, boulevards, sidewalks, alleys, lanes and other public highways; of the planning, construction, improvement, repair and maintenance and the operation of bridges and viaducts; of drains, ditches, culverts; the cleaning and sprinkling of streets, boulevards and public places; the collection and disposal of waste; the preservation of tools, equipment and other property belonging to the City and pertaining to the Department of Public Works; 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 are determined to be necessary by the Director of Public Works for the efficient operation of the Department; and shall perform such other duties as may from time to time be required by ordinance or by the Director of Public Works.

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

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

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

The Manager of Special Events and Marketing shall:

- (a) make recommendations to the Director regarding the issuance and conditions of issuance for all permits governing special events occurring within the corporate boundaries of the city;
  - (b) prior to and during every special event, coordinate the permitting process of all city departments providing services to the special event;
  - (c) provide technical assistance and information to special event applicants;
  - (d) recommend to the Director appropriate risk management measures to protect the city during each special event;
  - (e) administer all special event concession agreements and all special event permits under this chapter excepting only those concession agreements which apply to property under the control of the Directors of Port Control and Public Utilities;
  - (f) have the authority to determine and require events promoters to provide essential services, including but not limited to, adequate on-site safety and traffic control, fire protection, first-aid services, sanitation and clean up; and
  - (g) preside over such special events steering committees of City personnel from more than one City department as may be appointed by the directors of the affected city departments and record all actions taken by the committees.
- (h) shall have charge and management of the of The Public Hall, the Music Hall, the Little Theater, the main arena, Mall Units 1 and 2 (Malls B and C), and all meeting rooms which shall comprise and be known as "The Public Auditorium Building," and Cleveland Browns Stadium.

**Section 131.29 Division of Recreation**

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

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

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

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

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

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

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

**Section 131.46 Division of Streets**

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

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

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

**Section 131.52 Division of Traffic Engineering**

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

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

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

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

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

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

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

**Section 131.62 Division of Motor Vehicle Maintenance**

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

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

The Commissioner shall control and supervise the, procurement, custody, maintenance, repair and assignment for use of all motorized equipment of the Department, and render similar service to all other departments of the City government upon order of the Mayor or the written request of the director of such department. He shall 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 off-street parking facilities, including the Willard Park Garage, Burke Lakefront Airport parking facilities and all other such facilities not in charge of another department. He shall cause to be collected such charges and fees as may be established by the Board of Control and perform such other duties as Council or the Mayor may from time to time require of him.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 131.09 Exempted Special Events**

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

**Section 131.10 Reserved**

**Section 131.11 Reserved**

**Section 131.12 Reserved**

**Section 131.15 Concession Agreements for Rental of the Public Auditorium Building**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Section 131.18 Accounting for Cleveland Browns Stadium**

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

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

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

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

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

**Section 131.21 Rental of Market Stalls**

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.

<u>(1)</u>	<u>For City residents:</u>	<u>Monday-Friday</u>	<u>Weekends</u>
	9 holes	\$11.50	\$12.00
	18 holes	\$22.00	\$23.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Monday-Friday</u>	<u>Weekends</u>
	9 holes	\$12.50	\$13.00
	18 holes	\$24.00	\$25.00

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

<u>(1)</u>	<u>For City residents:</u>	<u>Rate</u>
	9 holes	\$ 8.00
	18 holes	\$15.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Rate</u>
	9 holes	\$ 9.00
	18 holes	\$17.00

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

<u>(1)</u>	<u>For City residents:</u>	<u>Rate</u>
	Regular	\$18.00
	Senior	\$14.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Rate</u>
	Regular	\$20.00
	Senior	\$16.00

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

<u>(1)</u>	<u>For City residents:</u>	<u>Rate</u>
	9 holes	Free
	18 holes	\$ 8.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Rate</u>
	9 holes	\$ 9.00
	18 holes	\$17.00

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

<u>(1)</u>	<u>For City residents:</u>	<u>Rate</u>
	9 holes	\$10.00
	18 holes	\$19.00
<u>(2)</u>	<u>For non-City residents:</u>	<u>Rate</u>
	9 holes	\$11.00
	18 holes	\$21.00

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

(g) Tent Rental: \$230.00

(h) Banquet Room Rental at Highland Park.

(1) All rental rates for the banquet room shall be set by the Board of Control, which shall include rental schedules for City residents and non-City residents.

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

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

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

(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:

	City Residents	Non-City Residents
(1) Great Room Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 250.00	\$ 275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 400.00	\$ 440.00
Saturday-Sunday: All Day	\$ 400.00	\$ 440.00
(2) Great Room and Class Room A Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 300.00	\$ 330.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 500.00	\$ 550.00
Saturday-Sunday: All Day	\$ 500.00	\$ 550.00
(3) Class Room A Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 250.00	\$ 275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 400.00	\$ 440.00
Saturday-Sunday: All Day	\$ 400.00	\$ 440.00
(4) Class Room B or C Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 250.00	\$ 275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 400.00	\$ 440.00
Saturday-Sunday: All Day	\$ 400.00	\$ 440.00
(5) Dining Hall Room Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$ 300.00	\$ 330.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$ 550.00	\$ 605.00
Saturday-Sunday: All Day	\$ 550.00	\$ 605.00
(6) Picnic Shelter Rental	\$ 220.00	\$ 265.00
(7) Cabin Rental:		
A. Friday 5:00 p.m. through Saturday 12:00 p.m.		
Minimum of six (6) cabins	\$ 730.00	\$ 805.00
Each additional cabin	\$ 100.00	\$ 100.00
Ten (10) cabin package	\$1,000.00	\$1,100.00
B. Saturday 12:00 p.m. through Sunday 12:00 p.m.		
Minimum of six (6) cabins	\$ 880.00	\$ 970.00
Each additional cabin	\$ 125.00	\$ 125.00
Ten (10) cabin package	\$1,100.00	\$1,210.00
C. Friday 5:00 p.m. through Sunday 12:00 p.m.		
Minimum of six (6) cabins	\$1,370.00	\$1,510.00
Each additional cabin	\$ 125.00	\$ 125.00
Ten (10) cabin package	\$1,700.00	\$1,870.00
D. Weekend package:		
includes ten (10) cabins and		
use of Dining Hall	\$2,000.00	\$2,200.00

## (8) Swimming Pool Rental:

A. Pool only	\$ 300.00	\$ 300.00
B. Pool with a room or cabin rental	\$ 150.00	\$ 150.00

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

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

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

**Section 131.33 Rental of Halloran Skating Rink**

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

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

(1) Permit application, under Section 131.07	\$10.00
(2) Fee for rental of rink	N/A
(3) Personnel and operating expenses	\$88.00 per hour
(4) Utility charges	\$32.00 per hour

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

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

**Section 131.34 Rental Fees for Recreation Center Use**

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

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

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

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

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

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

(1) During regular operational hours in 2003, sixty-five dollars (\$65.00) per hour per staff person required.

(2) During regular operational hours in 2004, sixty-eight dollars (\$68.00) per hour per staff person required.

(3) Before or after regular operational hours in 2003, eighty dollars (\$80.00) per hour per staff person required.

(4) Before or after regular operational hours in 2004, eighty-four dollars (\$84.00) per hour per staff person required.

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

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

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

(1) In 2003, eighty dollars (\$80.00) per hour per staff person required.

(2) In 2004, eighty-four dollars (\$84.00) per hour per staff person required.

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

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

**Section 131.35 Rental of Athletic Complexes**

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

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

(1) Athletic Complex rental \$2,000.00

(2) If lights are required during any portion of the sporting or athletic event, an additional \$100 per hour will be charged at the time the permit is issued. The City will bill for any additional lighting costs not collected at the time the permit was issued.

(3) Rental of the complex is based on a five-hour period. The City will bill for any additional labor costs for use beyond a five-hour period if those costs were not collected at the time the permit was issued.

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

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

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

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

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

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

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

**Section 131.36 Reserved**

**Section 131.37 Reserved**

**Section 131.38 Reserved**

**Section 131.41 Greenhouse, Rockefeller Park and Cultural Gardens**

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

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

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

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

**Section 131.42 Cemetery Rates**

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

CEMETERY RATES:  
Mon.-Fri.      Sat.

(a)	Single grave section			
	(1)	Adult grave	\$371.00	\$371.00
		Interment	337.00	506.00
		Total	708.00	877.00
	(2)	Baby grave (container of 4 feet or less)	108.00	108.00
		Interment	94.00	141.00
		Total	202.00	249.00
(b)	Lot sections			
	(1)	Flush marker sections		
		One grave	\$ 594.00	
		Family Lot (Two Graves)	1,188.00	
		Interment	506.00	759.00
	(2)	Raised marker section		
		One Grave	714.00	
		Family Lot (Two Graves)	1,428.00	
		Interment	506.00	759.00

(3)	Interment in lot sections			
	A. Adult grave		506.00	759.00
	B. Adult grave — extra deep (depth of 8 feet)		621.00	931.00
	C. Interment on top of extra deep		506.00	759.00
	D. Baby grave or still born on top		94.00	141.00
	E. Cremated remains in urn		216.00	324.00
	F. Cremated remains in vault		270.00	405.00
	G. Placement of additional remains in casket at time of burial (recording fee)		94.00	94.00
(c)	Urn garden section			
	(1) Single plot grave	243.00		
	(2) Interment (includes marker setting and vault) Saturday burials 1 times the interment charge		297.00	452.00
(d)	Veteran Section Interment		337.00	506.00
(e)	Memorial parks:			
	(1) Adult (Infirmity burial — City or County)		371.00	N/A
	(2) Baby		94.00	N/A
(f)	Additional services available:			
	(1) Disinterments (Monday-Friday only)			
	A. Adult grave	1,046.00		
	B. Adult grave—extra deep	1,114.00		
	C. Baby grave	297.00		
	D. Cremated remains in urn garden	358.00		
	E. Cremated remains—location other than urn garden	229.00		
	(2) Setting and foundation charges			
	A. Markers			
	1. 18" x 10" (Baby)	102.00		
	2. 2' x 1'	168.00		
	3. 3' x 1' or 4' x 1'	263.00		
	4. Resetting: one-half (1/2) of price listed above for replacement of same size markers			
	B. Monument foundation (per cubic foot)	26.00		
	C. Veteran stones (flat granite)	168.00		
	D. Flower container (installation)	21.00		
	(3) Miscellaneous services			
	A. Opening and closing grave for inspection			
	1. Identify without disturbing remains	911.00		
	2. Remove for autopsy; replace in open grave	992.00		
	B. Private mausoleums: receipt and discharge	432.00		
	C. Highland Chapel Park Mausoleum			
	1. Crypts: seal or unsealed	358.00		
	2. Niches: seal or unsealed	229.00		
	D. Use of chapel for services			
	1. First hour	75.00		
	2. Each hour thereafter or fraction thereof	65.00		
	E. Saturday burials: one and one-half (1 1/2) times the interment charge in divisions (b) through (e) of this section			

(g) Effective January 1, 2004, all rates listed in divisions (a) through (f) of this section shall be increased by four percent (4%) and shall be rounded to the nearest whole dollar on the effective date of an amendment to this section, if this section is amended before January 1, 2005.

(h) Effective January 1, 2005, all rates listed in divisions (a) through (f) of this section shall be increased an additional four percent (4%) over the four percent increase authorized in 2004, which 2004 increase shall be rounded to the nearest whole dollar, and the calculated amount resulting from the increase shall be rounded to the nearest whole dollar.

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

(j) Highland Park Chapel Mausoleum:

Charges for resale of niches and crypts that have been repurchased by the City of Cleveland	
1. Niches in Highland Park Mausoleum	\$1,215.00
2. Crypts in Highland Park Mausoleum Tier Level	\$3,375.00

## (k) Service Charges

1. Bad Check Charge	\$ 25.00
2. Late Payment	
A. Charges not received by time of interment including checks that cannot be processed because of errors	\$ 33.00
B. Setting charges not received up to the time stone is delivered including checks that cannot be processed because of errors	\$ 33.00
C. Additional charge per day	\$ 7.00

**Section 131.43 Reserved****Section 131.44 Reserved****Section 131.45 Reserved****Section 131.48 Street Cleaning**

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

**Section 131.49 Reserved****Section 131.50 Reserved****Section 131.51 Reserved****Section 131.54 Reserved****Section 131.55 Reserved****Section 131.56 Reserved****Section 131.59 Reserved****Section 131.60 Reserved****Section 131.61 Reserved****Section 131.64 Shop Supplies and Equipment, Vehicle maintenance Materials, Equipment, Services, and Supplies**

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

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

**Section 131.65 Fuel, Fuel Dispensing Equipment, and Storage Tank Removal**

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

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

**Section 131.66 Software and Hardware, including Upgrades, Technical Support, and Maintenance, and Repair Agreements for the Fleet Management Information System and the Automated Fuel Dispensing System**

(a) The Director of Public Works is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for software, hardware, upgrades, tech-

nical support, maintenance, and repair for the Fleet Management Information System and the Automated Fuel Dispensing System that the Director of Public Works considers necessary to the operation of the Division of Motor Vehicle Maintenance.

(b) The Director of Public Works is authorized to acquire by contract or contracts with one or more software developers or vendors or one or more firms of software developers or vendors, the software licenses, upgrades, technical support, and maintenance necessary for the Fleet Management Information System and the Automated Fuel Dispensing System.

The selection of the computer software developers or vendors shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified persons or firms available for employment as may be determined after a full and complete canvass by the Director of Public Works for the purpose of compiling a list. The compensation to be paid for the licenses shall be fixed by the Board of Control. Each contract shall be prepared by the Director of Law, certified by the Director of Finance, approved by the Director of Public Works.

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

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

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

**Section 131.67 Reserved**

**Section 131.68 Reserved**

**Section 131.69 Reserved**

**Section 131.72 Reserved**

**Section 131.73 Reserved**

**Section 131.74 Reserved**

**Section 131.77 Municipal Lakefront Lot: Special Event Rate**

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

**Section 131.78 Parking Fees**

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

- |   |                |
|---|----------------|
| (1) <i>Willard Park Garage:</i>   |                |
| A. First hour or portion thereof  | \$2.25         |
| B. Each additional half hour or portion   | \$1.25         |
| C. Daily maximum rate from 6 a.m. to 11:00 p.m.   | up to \$10.00  |
| D. Additional overnight charge from 11:00 p.m. to 6 a.m.  | up to \$10.00  |
| E. General monthly rate   | up to \$125.00 |
| F.1. Special monthly rate for City employees  | \$55.00        |
| F.2. Special monthly rate for federal, state and county employees                                     | \$110.00       |
| G. Special events (flat rate—pay enter)   | up to \$20.00  |
| H. Charge for lost or stolen key card   | \$50.00        |
| I. Late payment charge  | \$5.00         |
| J. Early Bird Rate (time to be determined by the Director of Public Works)                            | up to \$8.00   |
| (2) <i>Canal Basin Lot:</i>   |                |
| A. Daily rate from 6 a.m. to 6:00 p.m. (flat rate—pay enter)  | up to \$2.00   |
| B. General monthly rate (weekdays between 6 a.m. and 6 p.m.)  | up to \$40.00  |
| C. Special events, weekdays between 6:00 p.m. and 6 a.m., weekends and holidays (flat rate—pay enter) | up to \$10.00  |
| D. Late payment charge  | \$5.00         |
| E. Charge for lost or stolen key card   | \$50.00        |
| (4) <i>North Coast Municipal Parking Lot:</i>   |                |
| A. Daily rate (flat rate—pay enter)   | up to \$3.50   |
| B. City of Cleveland employees  | no charge      |
| C. General monthly rate—non-City of Cleveland employees   | up to \$45.00  |



D. Special events (flat rate—pay enter)	up to \$20.00
E. Charge for lost or stolen key card	\$50.00
F. Late payment fee	\$5.00

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

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

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

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

(f) Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall: (1) Designate ten (10) parking spaces in Willard Garage located as close as practical to the entrance to City Hall to be assigned by the Director of Public Works to City employees with the greatest number of years seniority as a City employee;

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

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

#### **Section 131.79 Parking Fees for Community Development and Public Works Surface Lots**

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

- (a) Daily rate (flat rate-pay enter) up to \$10.00;
- (b) Special rate (flat rate-pay enter) up to \$15.00;
- (c) Monthly rate (flat rate-pay enter) up to \$140.00 per month.

#### **Section 131.80 Reserved**

#### **Section 131.81 Reserved**

#### **Section 131.82 Reserved**

#### **Section 131.83 Licensing Advertising Space on Public Recreational Property**

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

#### **Section 131.84 Acceptance of Gifts**

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

#### **Section 131.85 Agreements for the Loan of Statues, Busts, or other Personal Property for Public Display**

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

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

#### **Section 131.86 Tree Commission Grants and Contributions**

The Director of Public Works is authorized to apply for and accept from various entities, both public and private, such grants and contributions as the Tree Commission solicits under division (e) of Section 163.03; provided that such contributions may be in the form of money, material or services. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under any grant or contribution, and upon acceptance of any grant or contribution by the Director, the funds shall be appropriated in the case of grants, for the purposes set forth in the grant agreement, and in the case of contributions, for the purposes designated by the donors. The Director shall report the acceptance of any grant or contribution to the Clerk of Council. Funds accepted under this section shall be deposited to Fund No. 20 SF 038 and used solely for the purpose of furthering the case, preservation and enhancement of the urban forest and education of the public with respect thereto.

#### **Section 131.87 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 visu-

al screen and vehicular barrier required by Section 457.07 of the Codified Ordinances, which will encroach into the public right-of-way:

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

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

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

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

#### **Section 131.88 Director to Hire Truck Owner Drivers**

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

Truck Capacity	Rate per hour
Two tons or less	\$20.00
Two and one-half tons or more	23.00

#### **Section 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

Street Sweeper - Waste Collector  
 Tire Shredder  
 Waste Collector  
 Waste Collector Transfer Station Attendant

**Section 5.** That concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately on the adoption of the concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

**Section 6.** The Director of Public Works is authorized to enter into contracts or perform any acts under an ordinance passed by this council that gives such authority to the Director of Public Service or the Director of Parks, Recreation and Properties.

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

**Section 8.** That the Clerk of Council is authorized when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references to the Department of Public Service or the Department of Parks, Recreation and Properties to read "Department of Public Works" any references to the Cleveland Convention Center or Convention Center shall be amended to read "Public Auditorium Building" consistent with this ordinance.

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

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

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

**By Mayor Jackson.**

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

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

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

**Section 1.** That Sections 2 and 5 of Ordinance No. 947-08, passed June 9, 2008, and Section 40 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1156-09, passed August 5, 2009, are amended to read as follows:

**Section 2. Secretary to the Mayor, Directors of Departments, Planning Director, Executive Director Community Relations Board, Executive Assistants to the Mayor.**

(a) That the salary of the Secretary to the Mayor shall be fixed by the Mayor at not less than \$50,795.78 and not more than \$178,000.00 per annum.

(b) That the salary of the Directors of Law, Finance, Public Utilities, Economic Development, Public Safety, **Public Works**, Public Health, Personnel and Human Resources, Community Development, Building and Housing, Aging, 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 \$50,795.81 and not more than \$171,581.77 per annum.

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

**Section 5. Secretary of Civil Service Commission, Secretaries to Director, Secretary to Director of Department of Port Control, Assistant Directors, and Special Assistants to the Mayor**

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 in accordance with the following schedule:

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.	<b>Assistant Directors</b> .....	<b>\$36,590.39</b>	<b>\$138,195.09</b>

**Section 40.** 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	\$123,548.92
3.	Chief Technology Officer.....	\$45,000.00	\$150,454.32
4.	Commissioner of Accounts .....	\$40,314.82	\$128,214.57
5.	Commissioner of Administrative Services - Community Development.....	\$40,314.82	\$128,214.57
6.	Commissioner of Air Quality .....	\$42,758.15	\$133,845.38
7.	Commissioner of Assessments and Licenses.....	\$40,314.82	\$118,350.91
8.	Commissioner of Burke Airport.....	\$40,314.92	\$118,350.91
9.	Commissioner of Cleveland Hopkins International Airport.....	\$42,758.15	\$143,360.63

10.	Commissioner of Cleveland Public Power.....	\$45,201.46	\$167,171.47
11.	Commissioner of Code Enforcement.....	\$42,758.15	\$133,845.38
12.	Commissioner of Construction Permitting.....	\$42,758.15	\$133,845.38
13.	Commissioner of Emergency Medical Services.....	\$42,758.15	\$133,845.38
14.	Commissioner of Environment.....	\$42,758.15	\$133,845.38
15.	Commissioner of Health.....	\$45,021.46	\$142,289.43
16.	Commissioner of House of Corrections.....	\$40,314.82	\$118,231.89
17.	Commissioner of Information Technology & Services..	\$52,734.82	\$142,289.43
18.	Commissioner of <b>Neighborhood Development</b> .....	\$40,314.82	\$118,350.91
19.	Commissioner of Neighborhood Services.....	\$42,758.15	\$123,548.92
20.	Commissioner of Park Maintenance and Properties....	\$42,758.15	\$143,360.63
21.	Commissioner of Parking Facilities.....	\$40,314.82	\$128,214.57
22.	Commissioner of Printing and Reproduction.....	\$40,314.82	\$128,214.57
23.	Commissioner of Property Management.....	\$45,201.46	\$142,289.43
24.	Commissioner of Purchases and Supplies.....	\$42,758.15	\$123,548.92
25.	Commissioner of Recreation.....	\$42,758.15	\$143,360.63
26.	Commissioner of Streets.....	\$40,314.82	\$128,214.57
27.	Commissioner of Traffic Engineering.....	\$42,758.15	\$123,548.92
28.	Commissioner of Utilities Engineering.....	\$42,758.15	\$118,350.91
29.	Commissioner of Utilities Fiscal Control.....	\$40,314.82	\$118,350.91
30.	Commissioner of Waste Collection and Disposal.....	\$40,314.82	\$128,214.57
31.	Commissioner of Water.....	\$45,201.46	\$167,171.47
32.	Commissioner of Water Pollution Control.....	\$40,314.82	\$128,214.57
33.	Deputy Director Department of Building and Housing	\$36,590.39	\$133,845.38
34.	Director of Workforce Development.....	\$70,000.00	\$160,000.00
35.	Income Tax Administrator.....	\$42,758.15	\$133,845.38
36.	<b>Manager of Administration - Public Works.....</b>	<b>\$40,314.82</b>	<b>\$118,350.91</b>
37.	Manager of Internal Audit.....	\$40,314.82	\$118,350.91

**Section 2.** That existing Sections 2 and 5 of Ordinance No. 947-08, passed June 9, 2008, and existing Section 40 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1156-09, passed August 5, 2009, are repealed.

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

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 Sections 123.03 to read as follows:

**Section 123.03 Office of Capital Projects**

(a) With the concurrence of the Board of Control, as required by Section 77 of the Charter, there is established in the Office of the Mayor, the Office of Capital Projects, to be administered and controlled by an Executive Assistant or Special Assistant to the Mayor, to be appointed by the Mayor to be the Director of Capital Projects and subject to the Mayor's supervision and control. The Director shall manage and supervise all capital projects of the City except as otherwise provided by the Charter and ordinances of the City 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, appointed by the Mayor to be the Manager of Engineering and Construction. The Manager of Engineering and Construction shall prepare or cause to be prepared all surveys, maps, plats, plans, drawings, estimates and engineering specifications necessary for public improvements, works and undertakings under the charge of the Office of Capital Projects other than buildings, and render similar service to other departments of the City government upon requisition from such departments, approved by the Director of the Office of Capital Projects. 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 sidewalks; the planning, construction, improvement, repair and maintenance and operation of bridges and viaducts; the construction and repair of sewers pertaining to streets and freeways, subject to the approval of the Director of Public Utilities; and the supervision and inspection of construction of sewers. He shall further perform all duties required of him by ordinance or by the Director of the Office of Capital

Projects. He is hereby designated the Platting Commissioner of the City as the same is provided for in Charter Section 171.

(c) There is established a Division of Architecture and Site Development in the Office of Capital Projects, which shall be administered and controlled by a Special Assistant to the Mayor, appointed by the Mayor to be the Manager of Architecture and Site Development. The Manager of Architecture and Site Development shall design and prepare or cause to be designed and prepared drawings, plans, estimates and architectural specifications for all City buildings and all City park and recreational properties and facilities upon written request from the director of the department desiring the same and bearing the written approval of the Director of the Office of Capital Projects.

(d) 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 department desiring the same. He shall advise 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 to be the Manager of Real Estate. The Manager of Real Estate shall control 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.

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

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

**Ord. No. 1326-10.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Rockwell Property, LLC, or its designee, located at 1403 East 6th Street for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code; and authorizing an agreement with Rockwell Property, LLC, or its designee, relating to the interior renovation of the office building located at 1403 East 6th Street.**

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

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

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

**Parcel No. 1**

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

Beginning at the intersection of the northeasterly line of East 6th Street (formerly Bond Street), 99 feet wide, with the northwesterly

line of Rockwell Avenue, N.E. (formerly Rockwell Street), 66 feet wide;

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

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

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

Thence Southeasterly along the northeasterly line of East 6th Street, 166.11 feet to the place of beginning, be the same more or less, but subject to all legal highways, according to a survey dated November 11, 1965 by Edward C. O'Rourke, Registered Surveyor No. 3525, and revised march 1979, by Patrick S. Janis, Registered surveyor No. 4497, E.G. O'Rourke and Associates.

**Parcel No. 2A**

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

**Parcel No. 2B**

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

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

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

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

**Section 5.** That the Director of Economic Development is authorized to enter into an agreement with Rockwell Property, LLC, or its

designee, relating to the interior renovation of the office building located at 1403 East 6th Street, which shall include the terms and conditions of the transaction authorized by this ordinance.

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

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

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

**Ord. No. 1328-10.**

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

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

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

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

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

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

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

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

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

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

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

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

**Ord. No. 1333-10.**

**By Council Members Sweeney, Pruitt, Conwell, Dow and J. Johnson.**

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

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

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

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

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

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

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

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

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

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

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

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

**Res. No. 1334-10.**

**By Council Member Reed.**

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

Whereas, this Council objected to a D5 Liquor Permit to 9102 Aetna Road by Resolution No. 1090-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a D5 Liquor Permit to Tyson Mitchell, DBA Libations Lounge, 9102 Aetna Road, Cleveland, Ohio 44102, Permanent Number 6061800, be and the same is hereby withdrawn and Resolution No. 1098-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 1335-10.**

**By Council Member Reed.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3744 East 144th Street and repealing Resolution No. 1098-10, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3744 East 144th Street by Resolution No. 1098-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 5202187, be and the same is hereby withdrawn and Resolution No. 1098-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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. 653-10.**

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

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

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

1. In the title, line 8, strike "Convention Center and" and insert "**Public Auditorium and**".

2. In the first whereas clause, lines 3 and 4, strike "Cleveland Convention Center, portions of Exhibit Halls A, B, C, and D," and insert "**Public Auditorium**".

3. Strike the second whereas 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. 654-10.**

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

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

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

1. In Section 3, lines 1 and 2, strike "of \$40.00" and insert "**not to exceed \$60.00**".

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. 874-10.**

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

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

Approved by Directors of Port Control, City Planning Commission, 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. 1035-10.**

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, or otherwise improving Public Auditorium, including site improvements and appurtenances; authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants to provide professional services necessary to provide review and evaluation services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to Public Auditorium, for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, 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. 1036-10.**

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

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

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

**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 Committees on 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. 1193-10.**

By Council Member Polensek. An emergency ordinance designating Nottingham United Methodist Church as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Finance, Law; Passage recommended by Committees on 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. 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 Committees on 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. 1260-10.**

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

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

Approved by Directors of Public Service, Finance, 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 private 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. 1285-10.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.

Approved by Directors of 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.

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

**SECOND READING  
ORDINANCES PASSED****Ord. No. 814-10.**

By Council Member Cimperman. An ordinance to amend Sections 337.02 and 337.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to urban agriculture; and to supplement the codified ordinances by enacting new Section 337.25, relating to agricultural uses in residential districts.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committees on City Planning, Legislation, when amended as follows:

1. In Section 3, beginning in line 3, strike the entire text of new Section 337.25 and replace it with the following:

**"Section 337.25 Agricultural Uses in Residential Districts**

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

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

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

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

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

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

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

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

(2) **Farm Stands.** Where a farm stand has been permitted by the Board of Zoning Appeals, any such farm stand located in a required front yard area in a One-Family or Two-Family District shall be removed from the front yard or stored inside a building on the premises during that time of the year when the garden or farm is not open for public use. Farm stands shall not occupy more than two percent (2%) of the subject property's land area and, in One-Family and Two-Family Districts, farm stands also shall not exceed 200 square feet in area on the subject property. A farm stand shall be set back at least eighteen (18) inches from any lot line.

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

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

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

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

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

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

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

(e) **Signs.** Where an agricultural use is the principal use in a Residential District or occupies at least seventy-five percent (75%) of the property or at least 4,000 square feet, one sign shall be permitted on each street frontage identifying the agricultural use and listing hours of operations for market sales and contact information. Such sign shall not

exceed four (4) square feet in area and, if freestanding, shall not exceed three (3) feet in height and shall be set back at least five (5) feet from all property lines unless the sign is placed on a permitted farm stand. No signs shall be permitted for an agricultural use that is an accessory use in a Residential District.

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

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

(h) **Building Permits.** No Building Permit or Certificate of Occupancy shall be required for establishment of an agricultural use. A Building Permit shall be required for installation of a fence or for construction of a barn or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops, beehives or similar structures that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No farm stand shall be installed without issuance of a Building Permit. The application for such Permit shall include the name, address and phone number of the operator of the farm stand; the length, width and height of the farm stand; a description of the type of produce to be sold from the farm stand; and the name of the property owner. If the applicant is not the property owner, the applicant shall include with the Permit application a written statement from the property owner authorizing the applicant to install and operate the farm stand.

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

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

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

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 request).

An ordinance to amend Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended

by Ordinance No. 1809-03, passed December 1, 2003, relating to pedestrian retail overlay (PRO) districts.

Approved by Directors of City Planning Commission, Finance, Law; Passage recommended 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 Sweeney (by departmental request).

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

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

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

#### MOTION

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 Flask, Cox, Acting Directors Wilbur, West, Director Fumich, Interim Director Mahoney and Acting Director O'Leary.

Absent: Mayor Jackson, Directors Butler and Nichols.



Others: James Hardy, Commissioner, Purchases and Supplies.  
 Natoya Walker, 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 bid of Interstate Safety & Service Co, Inc. for an estimated quantity of disposal of catch basin debris, for the 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 129.29 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$429,600.00 (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 the initial order, the cost of which shall be certified to the contract in an amount not less than \$100,000.00.

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 Dangerfield, 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.  
 Resolved, by the Board of Control of the City of Cleveland that the bid of Northline Utilities, LLC for an estimated quantity of necessary items of utility poles and labor and materials to test, remove, and replace deteriorating poles, and other related incidentals, for all items, for the 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 \$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 certified to the contract in an amount not less than \$659,263.00.

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

orders separately certified to the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor for the above-mentioned service is approved:

<u>Subcontractor</u>	<u>Percent Work</u>
Cook Paving and Construction (CSB/MBE)	18.33%
	\$483,360.65

Yeas: Directors Triozzi, Dumas, Withers, Acting Directors Dangerfield, 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, the Director of Parks, Recreation and Properties is authorized to lease the Seneca Golf Course and certain adjacent property known as the "Tree Farm" (collectively, "Leased Property"), which are more fully described in Cleveland City Council File No. 266-10-B, to the Cleveland Metroparks for a term not to exceed 99 years for the public purpose of operating a public golf course and public park; and,

Whereas, the property shall be leased at fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 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, the rental amount of \$1.00 per year for the Leased Property is determined to be fair market value for the leasehold interest.

Yeas: Directors Triozzi, Dumas, Withers, Acting Directors Dangerfield, 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. 412-10.**

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

Whereas, by Resolution No. 381-10 adopted on September 1, 2010, this Board authorized the Mayor to execute a deed for the sale of Permanent Parcel Nos. "136-07-107" and "136-02-108" to Chriss Cranston; and  
 Whereas, the correct identification of Permanent Parcel No. 136-07-107 is Permanent Parcel No. 136-02-107; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 343-10, adopted by the Board of Control on August 11, 2010, approving the sale and development

of certain Land Bank property to Chriss Cranston is amended by changing Permanent Parcel No. 136-07-107 to 136-02-107, where appearing.

Be it further resolved that all other provisions of Resolution No. 381-10 not expressly amended above shall remain unchanged and in full effect.

Yeas: Directors Triozzi, Dumas, Withers, Acting Directors Dangerfield, 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.

JEFFREY B. MARKS,  
 Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

ROBERT BENNETT,  
 President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, OCTOBER 18, 2010**

**9:30 A.M.**

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

Nancy Corral 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 B1 Two-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 Section 337.25(a) for a Design Review hearing. 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) 3,060 square feet is provided and a minimum lot size of 4,800 square feet is required; a gross floor area of 1,737 square feet exceeds one-half the lot size of 1,530 square feet with a minimum lot width of 34 feet contrary to 40 feet. Inconsistent with Sections 357.04(a), 357.08(b)(1), 357.09(2)A, a front yard setback of 7 feet and not 13.5 feet is provided, with a rear yard depth of 20 feet where 36 feet is required and limited by a rear wooden deck to 13.6 feet; and a distance of 8 feet 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 distance from a residence building on an adjoining lot, according to Section 358.04(a) of the Cleveland Codified Ordinances. (Filed 4-29-10; amended 7-6-10; hearing 8-16-10; reconsideration of motion pending ratification 9-27-10)

**Calendar No. 10-68:** 2379 West 6th Street (Ward 3)

Nancy Corral 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 100' lot in a B1 Two-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 Section 337.25(a) for a Design Review hearing. 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 located 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 minimum lot size of 4,800 square feet is required; a gross floor area of 1,930 square feet exceeds one-half the lot size of 1,862 square feet with a minimum lot width of 38.6 feet contrary to 40 feet. Inconsistent with Sections 357.04(a), 357.08(b)(1), 357.09(2)A, a front yard setback of 12.5 feet where 15 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 provided between the dwelling and garage where no building shall be erected less than 10 feet from a main building on an adjacent lot; and 3.6 feet is provided, where no fence shall be higher than its distance from a residence building on an adjoining lot, according to Section 358.04(a) of the Cleveland Codified Ordinances. (Filed 4-29-10; amended 7-6-10; hearing 8-16-10; reconsideration of motion pending ratification 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 family 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

approval from Engineering and Construction for lot consolidation, driveway, utility and catch basin drainage easements and Section 337.25(a) for a Design Review hearing. 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 located 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) 2,790 square feet is provided and a minimum lot size of 4,800 square feet is required; a gross floor area of 1,737 square feet exceeds one-half the lot size of 1,395 square feet with a minimum lot width of 31.6 feet contrary to 40 feet. Inconsistent with Sections 357.04(a), 357.08(b)(1), 357.09(2)B, a front yard setback of 7.6 feet and not 13 feet is provided, with a rear yard depth of 23.4 feet and a rear wooden deck providing 13.6 feet where 36 feet is required; and the total width of side yards on the same premises equals 7.6 feet contrary to 10 feet; and 3.6 feet is provided, where no fence shall be higher than its distance from a residence building on an adjoining lot, according to Section 358.04(a) of the Cleveland Codified Ordinances. (Filed 4-29-10; amended 7-6-10; hearing 8-16-10; reconsideration of motion pending ratification 9-27-10)

**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 family residence with an attached garage, proposed to be on a 38.6' x 100' lot in a B1 Two-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 Section 337.25(a) for a Design Review hearing. 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 located 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 minimum lot size of 4,800 square feet is required; a gross floor area of 1,930 square feet exceeds one-half the lot size of 1,862 square feet with a minimum lot width of 38.6 feet contrary to 40 feet. Inconsistent with Sections 357.04(a), 357.08(b)(1), 357.09(2)A, a front yard setback of 12 feet and not 15 feet is provided, with a rear yard depth of 26.8 feet and a where 36 feet is required; and a distance of 7 feet between the garage and the dwelling and 8.6 from the neighbor's dwelling, where no building shall be erected less than a distance of 10 feet; and 3.6 feet is provided, where no fence shall be higher than its distance from a residence building on an adjoining lot, according to Section 358.04(a) of the Cleveland Codified Ordinances. (Filed 4-29-10; amended 7-6-10; hearing 8-16-10; reconsideration of motion pending ratification 9-27-10)

**Calendar No. 10-176:** 1889 West 47th Street (Ward 15)

Richard Nosse, owner, appeals to construct a 4' x 17' one-story wooden tree house on a 27' x 132' vacant

lot in a Two-Family District; contrary 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 to meet the requirement for placement on the rear half of the lot.

**Calendar No. 10-177:** 15610 Lakeshore Boulevard (Ward 11)

John Daher, owner, and Jack DiCocco d.b.a. American Pride Car Wash, prospective purchaser, appeal to build and addition to an existing one-story building and change the use to an automatic car wash on an irregular shaped corner lot in a C1 Shopping Center District; subject to the limitations of Section 343.04 the proposed use is not permitted and first permitted in a General Retail Business District if located not less than 100 feet from a residence district and it is partially within a residence district; and pursuant to Section 347.16(e) the operator of a drive-through establishment shall keep the premises free of excess litter originating from the use and shall have refuse containers readily available for use by customers as stated in the Cleveland Codified Ordinances.

**Calendar No. 10-178:** 8116 Lorain Avenue (Ward 15)

Elsworth Redden, owner, appeals to establish use for a vehicle repair garage and painting in a one-story building located on an irregular shaped parcel in a General Retail Business District; the use for a vehicle painting garage not permitted and permitted first in a Semi-Industry District pursuant to Section 345.03(c)(2) if located not less than 100 feet from a residence district and the proposed abuts a Two-Family District; and Section 349.07(b) requires accessory off-street parking spaces to be provided with wheel or bumper guards and a parking space shall equal 180 square feet according to Section 325.03, and the provisions in Sections 352.05(g) require that landscaped area be separated by curbing, and a 6 foot wide frontage landscaping strip is required at the parking lot where it borders the street, pursuant to Sections 352.08 through 352.11 of the Cleveland Codified Ordinances.

**Calendar No. 10-179:** 3292 Fulton Road (Ward 14)

Pawaw Mangla, 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, by the provisions for minor motor vehicle repair as defined in Section 325.483; and no off-street parking is provided, contrary to Section 349.04(g) and a requirement for 6 off-street parking spaces.

**Calendar No. 10-180:** 12500 Buckeye Road (Ward 4)

Ann Marie Ogletree owner, appeals to construct a parking lot and three car garage on property in Local Retail Business and Two-Family Districts and by the provisions in Section 349.13(c)(d) the Board of Zoning Appeals may permit, temporarily or permanently, use of land in a residence district for a parking lot when the best interests of the community will be served; and Sec-

tion 349.07(b) requires accessory off-street parking spaces to be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond the parking space; and by the provisions in Section 358.03(a), no portion of a fence located within 30 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 open. 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 wolmanized wooden fence in an A1 One-Family District, providing a distance of 2 feet from an adjacent residence building, contrary to Section 358.04(a) that states no fence shall be higher than its distance from a residence building on an adjoining lot.

Secretary

**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 use a store to include a drive through and a gas station in a Local Retail Business District; subject to conditions.

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

**Calendar No. 10-160:** 4834 Broadview Road Lisa Jafari appealed to erect a double faced, wooden identification ground sign in the front yard of a two-story day care building in a Multi-Family District.

**Calendar No. 10-146:** 3500 Payne Avenue Rose Strauss Family Ltd Partnership appealed to change use of a second floor in a four-story building from storage to office in a Semi-Industry District.

The following appeals were **Denied:**

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

**Calendar No. 10-163:** 4931 State Road Ionnis Vasilakis, owner, and Moi-

ses Quintant, tenant, appealed for a change of use from motor vehicle repair to motor vehicle major repair, audio sound system installation, in a General Retail Business District.

The following appeals were **Withdrawn:**

None

The following appeals were **Postponed:**

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

**Calendar No. 10-175:** 5100 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 o acreage located in zoning for Midtown Mixed Use District 1 and District 4.

The following appeal heard by the Board on February 16, 2010 was adopted and approved on October 4, 2010.

The following appeal was **Approved:**

**Calendar No. 09-146:** 4305-09 State Road John Zajac appealed to establish a parking lot as the principal use of a vacant corner parcel in a General Retail Business District; subject to plan submitted 9-30-2010.

Secretary

**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-137-10.**

RE: Appeal of Thor Real Estate, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2990 East 125th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 30, 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 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. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

\* \* \*

**Docket A-138-10.**

RE: Appeal of Thor Real Estate, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 13906 Coit Road from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAINTENANCE, dated December 14, 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.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

\* \* \*

**Docket A-139-10.**

RE: Appeal of 5750 Broadway LLC, 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 March 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).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) 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. Sullivan.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

\* \* \*

**Docket A-144-10.**

RE: Appeal of Amjad Hamideh, Owner of R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Masonry Walls/Wood Floors Property located on the premises known as 582 East 117th Street from a 30 DAY DETERIORATED CONDEMNATION ORDER—MS, 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 the required permits and abate the violations. At the end of thirty (30) days, the property is REMANDED 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. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

\* \* \*

**Docket A-150-10.**

RE: Appeal of Timothy Kovacic, Owner of Property located on the premises known as 13509 Lakewood Heights Boulevard (aka 13507 Lakewood Heights Boulevard) from a NOTICE OF VIOLATION—HVAC, dated February 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).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to abate the nuisance violation of the smoke and fumes to the adjacent building by building a deflector on the hood exhaust in its existing location, 45 degrees to deflect away from the adjacent building, and to submit plans to the Department of Building and Housing. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

\* \* \*

**Docket A-153-10.**

RE: Appeal of Robert E. Yount II & Niparat Srising, Owners of the One Dwelling Unit Single-family Residence Two & One-half Story Frame Property located on the premises known as 13216 Kirton Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated April 16, 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 abate the violations, requiring that smoke detectors be installed immediately, and permitting a tenant to occupy the downstairs until a permanent Certificate of Occupancy is obtained. 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.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

\* \* \*

**Docket A-154-10.**

RE: Appeal of Leonard Brooks, Owner of One Dwelling Unit Single-Family Residence Two & One-half Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 1775 Hillview Road from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAINTENANCE, dated April 01, 2010 of the Director of the Department of Building and Housing, requiring compli-

ance 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 the manner he sees fit. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-155-10.**

RE: Appeal of Fatima Abuhamden, Owner of Two Dwelling Units Two-family Residence Two & One-half Story Frame Property located on the premises known as 10729 Crestwood Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated October 13, 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 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 for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-156-10.**

RE: Appeal of David Hovis, Owner of Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property located on the premises known as 1723 West 32nd Street 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).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to complete abatement of all violations, noting the apparent excellent condition of 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. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

\* \* \*

**Docket A-157-10.**

RE: Appeal of Jessica Diann Harris, Owner of M Mercantile - Retail Shops, Carry-out Food Shops Three Story Masonry Walls/Wood Floors Property located on the premises known as 6321 St. Clair Avenue from a 30 DAY DETERIORATED CONDEMNATION ORDER—MS, dated February 20, 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).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to submit plans and obtain permits within sixty (60) days and to complete abatement of the violations or make progress acceptable to the City for any extension requested or required within six (6) months. 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. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-158-10.**

RE: Appeal of Greater Faith Missionary Baptist Church C/O Liberty Roofing & Construction, Owner/Contractor of A-3 Assembly - Recreation or Religious Facilities One Story Masonry Walls/Wood Floors Property located on the premises known as 13816 St. Clair Avenue from a NOTICE OF VIOLATION—POOR WORKMANSHIP, dated October 21, 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).

No action this date the docket will be rescheduled for October 13, 2010.

\* \* \*

**Docket A-159-10.**

RE: Appeal of Timothy Willis, Owner of Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 2267 East 83rd Street from a NOTICE OF VIOLATION—UNAUTHORIZED/ILLEGAL USE, dated April 08, 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 certify that the permits that have been obtained is legitimate and valid, or to obtain the required permits for the facilities, noting that the zoning uses are to be conducted with the Zoning Board as far as any time requirements for relocating the business. 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. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-160-10.**

RE: Appeal of Edith Johnson, Owner of Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 10717 Lee Avenue from a 30 DAY CONDEMNATION ORDER—MAIN STRUCTURE, 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).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which

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. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-161-10.**

RE: Appeal of Mohammad A. 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 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. 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. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-162-10.**

RE: Appeal of William C. Shorter, 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 December 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).

Docket A-162-10 POSTPONED; to be rescheduled for October 13, 2010.

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**Docket A-163-10.**

RE: Appeal of MRP II LLC, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 4218 East 114th 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-163-10 has been WITHDRAWN at the request of the Appellant.

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**Docket A-164-10.**

RE: Appeal of Joseph F. Ponikvar, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 2058 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 grant the Appellant thirty (30) days in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Nays: None. Absent: Bradley.

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**Docket A-172-10.**

RE: Appeal of Thor Real Estate, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 15106 Ohio Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE & GARAGE, dated February 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 grant the Appellant thirty (30) days in which to obtain the required 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. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**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 11101 Larose Avenue from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAINTENANCE, dated November 24, 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 abate the violations in the manner he sees fit. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-220-10.**

RE: Appeal of Angela Bennett, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2163 East 79th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated April 15, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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 the lack 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. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Nays: None. Absent: Bradley.

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**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 81st 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 obtain permits and abate the violations or dispose of the property in a manner in compliance with the Codified Ordinances of the City of Cleveland. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Nays: None. Absent: Bradley.

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**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 have been POSTPONED; to be rescheduled for October 27, 2010.

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**Docket A-315-10.**

RE: Appeal of Marcus Morris, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 12614 Griffing Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 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 find that the Condemnation Order was properly issued and the Appellant is granted thirty (30) days in which to abate all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required

further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Bradley.

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**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.

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**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.

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**Docket A-368-10.**

RE: Appeal of Kappa House II, Inc., Owner of Property located on the premises known as 12300 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 required variance from 25 percent of opening to 33 percent of opening between the existing unsprinklered building and the new sprinklered 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. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-377-10.**

RE: Appeal of The Sherwin-Williams Company C/O All Phase Remodeling, Owner of Property located on the premises known as 101 W. Prospect Avenue from an ADJUDICATION ORDER, dated September 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 variances requested for the sign conditionally upon review of the flame

resistant certification to be reviewed by the City for the location and use presented; and with the condition that if the graphics of the sign be changed in the future, that the materials remain consistent with what is being presented today, future variances will be granted automatically. The material is to be in compliance with OBC3107 and ASTM D 635. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-385-10.**

RE: Appeal of Our Father's Church Inc. (School of Tomorrow, Inc.), Owner of Property located on the premises known as 11228 Detroit Avenue from an ADJUDICATION ORDER, dated September 29, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action.

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**EXTENSION OF TIME:**

**Docket A-65-10 — Durrón R. Anderson — 9209 Adams Avenue:**

A motion is in order at this time to grant the Appellant fourteen (14) days in which to obtain the final permits and four (4) months in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Bradley.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-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 — Ethel P. Carrington.
- A-148-10 — Khaliah Fisher-Grace.
- A-149-10 — Estate of Barbara L. Shucofsky.
- A-152-10 — William Lakish & Tara Glazier.
- A-183-10 — Majid Tabibzadeh.
- A-321-10 — Playhouse Square Foundation.
- A-322-10 — Utilities Constr. & Supply.
- A-338-10 — Clear Channel Outdoor.
- A-340-10 — Rodney Coleman.
- A-359-10 — City of Cleveland.
- A-364-10 — Buckeye Area Dev. Corp.

Yeas: Messrs. Denk, Saunders, Saab. Nays: None. Not Voting: Mr. Gallagher. Absent: Mr. Bradley.

**APPROVAL OF MINUTES:**

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

September 15, 2010

Yeas: Messrs. Denk, Saunders, Saab. Nays: None. Not Voting: Mr. Gallagher. Absent: Mr. Bradley.

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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., Starkweather 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 I490 and Quigley Roads, shown shaded on the attached map to an Open Space and Recreation District (Map Change No. 2312; Sheet No. 5).

**Ord. No. 1076-10.**

By Council Member Cimperman.  
An ordinance changing the Use District of land located near the southwest corner of Rowley Avenue and West 11th Street from Two Family Residential to Local Retail Business (Map Change No. 2336; Sheet No. 6).

**Ord. No. 1077-10.**

By Council Members Dow and J. Johnson.  
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

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**WEDNESDAY, OCTOBER 20, 2010**

**File No. 155-2010 — Commercial Gases,** for the various Divisions of City government, Department

of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, OCTOBER 11, 2010 AT 10:30 A.M. THE CITY OF CLEVELAND, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CLEVELAND, OHIO 44114.**

September 29, 2010 and October 6, 2010

**FRIDAY, OCTOBER 22, 2010**

**File No. 153-2010 — Purchase of Various Types of Safety Equipment 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. 870-10, passed by the Council of the City of Cleveland, August 18, 2010.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 8, 2010 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.**

**File No. 154-2010 — Disposal of Debris at Landfills,** for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 805-10 passed by the Council of the City of Cleveland, July 14, 2010.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 7, 2010 AT 10:30 A.M. THE DISTRIBUTION & MAINTENANCE, 4600 HARVARD AVENUE, SECOND FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44105.**

September 29, 2010 and October 6, 2010

**FRIDAY, OCTOBER 22, 2010**

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

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

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

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

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

October 6, And October 13, 2010

**WEDNESDAY, OCTOBER 27, 2010**

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

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

October 6, and October 13, 2010

**THURSDAY, OCTOBER 28, 2010**

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

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

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 14, 2010 AT 2:00 P.M. THE BURKE LAKEFRONT AIRPORT, IN THE MAIN CONCOURSE, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.**

**THE PROJECT SITES SHALL BE MADE AVAILABLE FOR INSPECTION BY BIDDERS ON MONDAY, OCTOBER 18, 2010 AT THE FOLLOWING TIMES: GLENVILLE - JAMES HUBBARD RECREATION CENTER FROM 11:00 A.M. TO 12:00 NOON; LONNIE BURTON RECREATION CENTER FROM 1:00 P.M. TO 2:00 P.M.; AND EARLE B. TURNER RECREATION CENTER FROM 2:30 P.M. TO 3:30 P.M.**

October 6, and October 13, 2010

**WEDNESDAY, NOVEMBER 10, 2010**

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

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A**

CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 22, 2010 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 6, and October 13, 2010

### ADOPTED RESOLUTIONS AND ORDINANCES

#### Res. No. 1293-10.

**By Council Members Sweeney and Mitchell.**

**An emergency resolution supporting State Senate Bill 273 which generally authorizes 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 fire fighting 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 municipal corporations, counties, townships, port authorities, water or sewer districts, school districts, library districts, health districts, park districts, soil and water conservation districts, water conservancy districts, or any other 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 Council supports State Senate Bill 273 which generally authorizes municipal corporations and other political subdivisions to enter into agreements to perform services for one another.

**Section 2.** That the Clerk is directed to forward copies of this resolution to Ohio State Senators Nina Turner, Dale Miller and Shirley Smith.

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

Adopted September 27, 2010.  
Effective September 28, 2010.

#### Res. No. 1294-10.

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the transfer of stock of a C2 and C2X Liquor Permit at 5611 Woodland Avenue and repealing Resolution No. 838-10, objecting to said transfer.**

Whereas, this Council objected to the transfer of stock of a C2 and C2X Liquor Permit to Jai Ambaji, Inc., DBA Hometown Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permanent No. 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 objection to a C2 and C2X Liquor Permit to Jai Ambaji, Inc., DBA Hometown Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 4225578 be and the same is hereby withdrawn and Resolution No. 838-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted September 27, 2010.  
Effective September 28, 2010.

#### Res. No. 1295-10.

**By Council Member Reed.**

**An emergency resolution withdrawing objection to the transfer of ownership of 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, 1st floor only, Cleveland, Ohio 44120, Permanent No. 5202187, by Resolution No. 465-10 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,

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 5202187, be and the same is hereby withdrawn and Resolution No. 465-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted September 27, 2010.  
Effective September 28, 2010.

#### Ord. No. 813-10.

**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 Public Safety for the 2010 Port Security Grant; and authorizing one or more requirement and standard contracts for materials, equipment, supplies, and services, including training, needed to implement the grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$300,000, and any other funds that may become available during the grant term from the United States Department of Public Safety to conduct the 2010 Port Security Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 813-10-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, is approved in all respects and shall not be changed without additional legislative authority.

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

**Section 4.** That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and services, including all necessary training, needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single



contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 5.** That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 6.** That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one trailer, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

**Section 7.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public 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 8.** That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed September 27, 2010.

Effective September 28, 2010.

**Ord. No. 837-10.  
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.**

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

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

**Section 1.** That Section 187.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, is amended to read as follows:

**187.01 Definitions of Terms**

As used in this Chapter, the following words, phrases, and terms shall be defined as set forth below:

(a) "Administrator" means the employee or employees in the OEO

designated by the Director to act as an administrator of the Cleveland Area Business Program.

(b) "Bidder" means a Person offering to contract with the City in response to an invitation to bid, and for purposes of this Code, includes a proposer in response to a request for proposals or other similar solicitation.

(c) "Bid Discount" means the application of a percentage discount to the total amount of a bid submitted by a Bidder for a Contract solely for the purpose of bid comparisons when evaluating the lowest and best bid, or lowest responsible bid. The use of a Bid Discount for Bid Comparison 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, sole proprietorship, partnership, association, corporation, company, or other business entity of any kind including, but not limited to, a limited liability corporation, incorporated professional association, joint venture, estate, or trust.

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

(f) "City of Cleveland Small Business" or "CCSB" means a CSB that has its principal office located physically within the municipal boundaries of the City.

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

(h) "Cleveland Area Small Business" or "CSB" means a Business Enterprise certified under division (a) of Section 187.03.

(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 as provided in Section 187.28.

(j) "Commercially Useful Function" means execution by a CSB, MBE, or FBE of a distinct element of the work in carrying out its responsibilities by actually performing, managing, and supervising the work involved by its personnel, materials, and assets. To determine whether a Business Enterprise is performing a Commercially Useful Function, the City will evaluate the amount of the Contractor's work which is appropriate to be subcontracted and actually subcontracted, industry practices, and other relevant factors tending to demonstrate 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 on-site functions incidental to construction.

(l) "Contract" means a binding agreement executed on or after the effective date of this Cleveland Area Business Code 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 in real or personal property, or tax incentive in any form for 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 subsidiary agreements approved by the City during the performance of such Construction;

(2) Purchase of personal property;

(3) Purchase of any supplies, equipment or services;

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

(5) Lease of any personal property; or

(6) 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, funded or benefited 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 187.09. For purposes of MBE and FBE utilization, "Contract" shall only include the specific types and 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. "Contract" shall exclude loans and grants under \$50,000 for storefront renovation. The exclusion of loans and grants under \$50,000 for storefront renovation shall expire and have no further force and effect on January 1, 2012, unless changed by further legislation of this Council.

(m) "Contracting Department" includes any administrative department under charge of the Mayor or any office, board, or commission treated or construed as a department of City government for any purpose under the Charter or ordinances 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 that 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 against individuals 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 to be added solely for the purpose of proposal comparison when evaluating competing proposals. The use of Evaluation Credits does not alter the amount of the proposal submitted by a Bidder or the Contract executed based on the proposal.

(u) "Female" includes only a United States citizen or lawful, permanent resident who is a member of the female gender.

(v) "Female Business Enterprise" or "FBE" means a Business Enterprise owned, operated, and controlled by one or more Females who have 51% ownership. The one or more Females must have operational and managerial Control, interest in capital, and earnings commensurate with the percentage of Female ownership. To qualify as a Female Business Enterprise, the Business Enterprise shall be located and doing business in the Cleveland Contracting Market.

(w) "Front Organization" means any FBE, MBE, or CSB that serves as a Contractor, or as a subcontractor to any Contractor under Contract, who obtained and/or retained certification through false statements or who committed to performance of a distinct element of the work under the Contract but did not carry out its responsibilities by actually performing, managing or supervising the work involved, or who did not provide products, services, goods or supplies in a manner, in the Director's determination, consistent with its certification.

(x) "Gender identity or expression" means the gender-related identity, external presentation of gender identity through appearance, or mannerism or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

(y) "Joint venture" means an association of two or more persons or businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge.

(z) "Minority Person" means a United States citizen or lawful, permanent resident who is a member of a racial or ethnic group, such as African American, Hispanic American, Asian American or Native American, against whom past or present discrimination has been demonstrated as provided in Section 187.28.

(aa) "Minority Business Enterprise" or "MBE" means a Business Enterprise owned, operated and controlled by one or more Minority Persons who have at least 51% ownership. The Minority Person(s) must have operational and managerial Control, interest in capital, and earnings commensurate with the percentage of ownership. To qualify as a Minority Business Enterprise, the enterprise shall be located and doing business in the Cleveland Contracting Market.

(bb) "OEO" means the Office of Equal Opportunity of the City of Cleveland.

(cc) "Person" means and includes a natural person, a Business Enterprise or other entity, unless the context or usage requires otherwise.

(dd) "Public Improvement" means a project determined by the City Council to be a public improvement under Section 167 of the Cleveland City Charter.

(ee) "Regional Cleveland Area Small Business" or "RCSEB" means a CSB that has its principal office located physically within the territorial boundaries of Cuyahoga County but outside the municipal boundaries of the City.

(ff) "Regulation" or "Regulations" means and includes the regulations implementing this Code and promulgated by the Director of Equal Opportunity under division (b)(6) of Section 123.08 of these Codified Ordinances.

(gg) "Sexual Orientation" means a person's actual or perceived homosexuality, bisexuality, or heterosexuality, by orientation or practice.

(hh) "Small Business Enterprise" or "SBE" means a Business Enterprise that meets the established economic criteria for a SBE and is owned, operated and controlled by one or more persons who meet the economic criteria for SBE ownership established by the Director in the Regulations.

(ii) "Supplier" means a Business Enterprise performing a Commercially Useful Function in the supply process when it:

(1) Assumes the actual and contractual responsibility for furnishing the supplies or materials;

(2) Is recognized as a distributor of the contracted supplies and materials by the industry involved;

(3) Owns or leases a warehouse, yard, building or other facilities for stocking inventory or otherwise conducts business in a manner which is usual and customary in the industry and market for the supplies or materials; and

(4) Distributes, delivers, and services products primarily with its own staff and/or equipment.

**Section 2.** That existing Section 187.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, is repealed.

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

Passed September 20, 2010.

Effective September 29, 2010 without the signature of the Mayor.

**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 by one or more requirement or standard contracts of materials, equipment, supplies, and services 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 department; now, therefore,

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$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 to receive the funds under the grant; 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 as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public 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 requirements during the grant period 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 Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

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

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, and Parma (the "Grant Partners") to implement the grant as described in the file. The agreement shall, among other things, include the obligation of the Grant Partners to 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 Roger Oviatt for professional services necessary to implement the grant as described in the file.

**Section 9.** That the cost of the contract or contracts authorized in this ordinance shall be paid from 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 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. 886-10.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the State of Ohio Emergency Management Agency, or a designated entity, for the 2009 Urban Area Security Initiative Program; authorizing one or more requirement and standard contracts for the purchase of materials, equipment, supplies, and services; authorizing one or more agreements with governmental entities; and to employ one or more professional consultants to implement the program.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$5,086,850, and any other funds that become available, from the State of Ohio Emergency Management Agency, or a designated entity, to conduct the 2009 Urban Area Security Initiative ("UASI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the grant agreement for the grant contained in the file described below.

**Section 2.** That the grant agreement for the grant, File No. 886-10-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 shall not be changed without additional legislative authority, is approved in all respects.

**Section 3.** 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, during the grant term, of materials, equipment, supplies, and services needed to implement the program as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

**Section 4.** That the costs of the requirement contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 5.** 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 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 6.** That The Director of Public Safety is authorized to enter into one or more agreements with governmental entities to implement the program as described in the file.

**Section 7.** 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 of the City of Cleveland in order to provide professional services necessary 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 determined after a full and complete canvass by the Director of Public Safety for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Safety, and certified by the Director of Finance.

**Section 8.** That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

**Section 9.** That the cost of the contract or contracts shall be paid from 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 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. 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, for the Department of Parks, Recreation and Properties, for a period not to exceed three years.**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is authorized to enter into one or more Concession Agreements on the basis of competitive proposals 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. The concession fee to be paid to the City shall be fixed by the Board of Control. Each Concession Agreement shall not exceed a term of three years.

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

Passed September 27, 2010.

Effective September 28, 2010.

**Ord. No. 1055-10.**

**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 by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform deconstruction services of structures, including condemned structures, in the City of Cleveland.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Building and Housing from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Building and Housing for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The term of each contract or contracts shall expire not later than December 31, 2011. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Building and Housing, and certified by the Director of Finance.

**Section 2.** That the cost of the contract or contracts authorized shall not exceed \$185,000 and shall be paid from Fund No. 20 SF 670, Request No. RQS 8502 RL 2010-152.

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

Passed September 27, 2010.

Effective September 28, 2010.

**Ord. No. 1189-10.**  
**By Council Members Cimperman, Brancatelli and Sweeney (by departmental request)**

**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 relocating their corporate headquarters to 1801 Superior Avenue, and certain other costs necessary to redevelop the property.**

Whereas, the Council of 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 economic 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 to 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 are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the total cost of the contracts, including forgivable and nonforgivable portions, shall not exceed \$1,000,000, and shall be paid from Fund Nos. 10 SF 541 and 17 SF 008, Request No. RQS 9501 RL 2010-162.

**Section 4.** That the Director of Economic Development is authorized to accept such collateral as the director determines is sufficient in order to secure repayment of the loans. Any loan agreement, forgiv-

able 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 to 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 appropriate documents needed to complete the transactions authorized by this legislation shall be prepared by the Director of Law.

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

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

Passed September 27, 2010.

Effective September 28, 2010.

**Ord. No. 1190-10.**  
**By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance to amend Section 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by various ordinances, relating to the creation of the Neighborhood Retail Assistance Program.**

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

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

**Section 1.** That Section 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by Ordinance No. 1826-07, passed December 3, 2007, Ordinance No. 553-08, passed June 2, 2008, Ordinance No. 192-09, passed March 16, 2009, and Ordinance No. 606-10, passed June 7, 2010 are amended to read as follows:

**Section 8.** That the cost of each agreement shall not exceed \$40,000 and shall be paid from Fund Nos. 10 SF 502, 10 SF 526 and 17 SF 006, which funds are appropriated for this use. Request No. RQS 9501 RL 2010-95 and RQS 9501 RL 2010-161.

**Section 2.** That existing Section 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by Ordinance No. 1826-07, passed December 3, 2007, Ordinance No. 553-08, passed June 2, 2008, Ordinance No. 192-09, passed March 16, 2009, and Ordinance No. 606-10, passed June 7, 2010 are repealed.

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

Passed September 27, 2010.

Effective September 28, 2010.

**Ord. No. 1202-10.**  
**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 space located within Willard Park to the Cuyahoga County Board of Developmental Disabilities for the purpose of establishing an urban garden to provide employment to adults with developmental disabilities, for a term of five years, with one five-year option to renew, exercisable by the Director of Parks, Recreation and Properties.**

Whereas, the City of Cleveland owns certain space known as Willard Park; and

Whereas, the Cuyahoga County Board of Developmental Disabilities has proposed to lease a portion of the property from the City, for the purpose of establishing an urban garden to provide employment to adults with developmental disabilities, which is not needed for public use; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the Cuyahoga County Board of Developmental Disabilities ("Lessee"), approximately 3,050 square of property within Willard Park, for the purpose of establishing an urban garden to provide employment to adults with developmental disabilities, and is more fully depicted on the map placed in File No. 1202-10-A.

**Section 2.** That the term of the lease authorized by this ordinance shall not exceed five years, with one five-year option to renew, exercisable by the Director of Parks, Recreation and Properties.

**Section 3.** That the space authorized by this ordinance shall be leased at a cost of \$1.00, and other valuable considerations, which is determined to be fair market value by the Board of Control, exclusive of utilities.

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

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

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

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

Passed September 27, 2010.

Effective September 28, 2010.

**Ord. No. 1288-10.**

**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 phone calls to targeted audiences in the City for Cleveland City Council.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into an agreement with Integrated Consulting & Management, LLC for the professional services necessary to make computer-based automated phone calls to residents in a wards or wards, or other targeted audiences in the City for Cleveland City Council. The agreement shall begin October 1, 2010 and shall terminate February 28, 2010, unless sooner cancelled by the Clerk of Council.

The agreement shall be certified in an amount not to exceed \$32,830.00 from fund numbers Fund 01, Dept. 0101, subfund 001, acct. 6320.

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

Passed September 27, 2010.

Effective September 28, 2010.

**Ord. No. 1289-10.**

**By Council Member Polensek.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at on scattered sites to St. John's West Family Homes, L.P.**

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; now owned or to be acquired by the City of Cleveland's Land Reutilization Program; and

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

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

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

**Section 1.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

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

P. P. No. 103-22-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 107 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in said Subdivision in Volume 2 of Maps, Page 30 of Cuyahoga County Records. Said Sublot No. 107 has a frontage of, 40 feet on the Southerly side of Cedar Avenue, S.B., and extends back between parallel lines 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

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

P. P. No. 103-22-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 96.50 feet of Sublot No. 39 in 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 being 50 feet front on the Southerly side of Cedar Avenue, S.E., (formerly Cedar Street), and extending back 96.50 feet on the Easterly line, 96.50 feet on Westerly line, which is also the Easterly line of East 38th Street (formerly William Street), and has a rear line of 50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 5.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

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

P. P. No. 103-22-013

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

erly 40 feet of the Northerly 125 feet of Sublot No. 40 in 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 being 40 feet front on the Southerly side of Cedar Avenue, S.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 7.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

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

P. P. No. 103-22-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly half of Sublot No. 41 in William Williams' Subdivision of part of Original Ten Acre Lot No. 68 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 of equal width 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.

**Section 9.** 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 10.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly 25 feet of Sublot No. 42 in William Williams' 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 25 feet front on the Southeasterly 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.

**Section 11.** 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 12.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as Parcel D of the Lot Split and Consolidation plat for BFR Partners, LLC, shown by the recorded plat in Volume 341, Page 31 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

**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 BFR 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 BFR 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 Sublot No. 50 in 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 being 50 feet front on the Westerly side of East 39th Street (formerly Grant Street) and extends back of equal width 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**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. 103-22-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly one-half of Sublot No. 19 in William 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 bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E. (formerly Garden Street) 63 feet wide at the Southwesterly corner of land conveyed to Fredrick 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.F., 25 feet, 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 Southerly 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 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. 103-22-040

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 No. 66, as shown by the recorded plat of said Allotment in Volume 2 of Maps, Page 34 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 together 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 along the Northerly line of Central Avenue, S.E., 35.36 feet to a point in the center of said Sublot No. 18; thence Northerly 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 Westerly from the North-easterly corner thereof; thence Westerly along the Northerly line of said Sublot No. 18, 22.89 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 23.** 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 24.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-069

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

Sublot No. 106 in the Horace P. Weddell's Subdivision of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records. Said Sublot has a frontage of 30 feet front on the Westerly side of East 37th Street as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 25.** 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 26.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being the Southerly 31.50 feet from front to rear of Sublot No. 100 in Horace F. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 65 and 66 as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 31.50 feet front on the Westerly side of East 37th Street (formerly Wheat Street) and extending back between parallel lines 117 feet eleven inches, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 27.** 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 28.** 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 Wm Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68 and 69, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and the Southerly 30 feet from front to rear of Sublot No. 4 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 together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 37th Street, (formerly Wheat Street) at the Southwesterly corner of said Sublot No. 4; thence Northerly along said Easterly line of East 37th Street, 30 feet to the Southwesterly corner of land conveyed to Eliza E. Rose, by deed dated March 17, 1887 and recorded in Volume 406, Page 626 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Eliza E. Rose, about 85 feet to the Westerly line of land conveyed to Girolamo Rini and Agneta Rini, (husband and wife) by deed dated October 1, 1914, and recorded in Volume 1633, Page 499 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 Angela Rini;

thence Westerly along said Northerly line of land so conveyed to Girolamo Rini and Angela Rini and along the Southerly line of said Sublot No. 4, about 85 feet 5 inches 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 29.** 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 30.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

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 and also a part of Sublot No. 16 in William Williams' Re-Subdivision of William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Re-Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 37th Street (formerly Forest Street) at the Southwesterly corner of land conveyed by James Hoyt and others to Ellen Burke by deed dated October 21, 1875 and recorded in Volume 205, Page 605 of Cuyahoga County Records; thence Easterly and along the prolongation of same, Easterly about 85 feet to the Westerly line of land conveyed by Elisha Sheldon Ganson to Victoria E. Ganson by deed dated March 17, 1887 and recorded in Volume 412, Page 397 of Cuyahoga County Records; thence Southerly along the Westerly line of said land conveyed to Victoria E. Ganson about 30 feet to the Northeasterly corner of land conveyed by Frederick W. Smith to Helen M. Smith Quit Claim Deed dated December 8, 1910 and recorded in Volume 1301, Page 259 of Cuyahoga County Records; thence Westerly along the Northerly line of said land so conveyed to Helen M. Smith about 85 feet to the Easterly line of said East 37th Street; thence Northerly along the Easterly line of said East 37th Street, about 30 feet to the place of the beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 31.** 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 32.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly one half 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, and together forming a parcel of land 25 feet front on the Easterly side of Wheat Street (now known as East 37th Street) and extending back of equal width 73 feet and 5 inches deep, be the same more or less, but subject to all legal highways.

**Section 33.** 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 34.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

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 on the Easterly side of East 37th Street (formerly Forest Street) and extending back between 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 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 36.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

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 Tolliver 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 37.** 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 38.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

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 Tolliver 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 parcel of land 28.04 feet

on the Southerly side of Stanley Tolliver Avenue S.E. and being 28.28 feet on the curved turnout between the Southerly side of Stanley Tolliver Avenue S.E. and the Easterly side of East 37th Street and extending back 93.81 feet on the Westerly line, which is also the Easterly side of East 37th Street, and 111.81 feet on the Easterly line, and having a rear line of 46.04 feet as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 39.** 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 40.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

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 F in Dedication Plat for Stanley Tolliver 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 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 42.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

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 side of East 37th Street at a point distant Northerly 26.53 feet from the Southwesterly corner of said Sublot No. 12: thence Northerly 26.80 feet along the said Easterly line of East 37th Street to a point; thence Easterly 73.42 feet parallel with the Southerly line of said Sublot No. 13 to a point in the Easterly line thereof; thence Southerly 26.80 feet along the Easterly line of said Sublot Nos. 12 and 13 to a point; thence Westerly 73.42 feet parallel with the Southerly line of said Sublot No. 13 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 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 44.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-102

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being the Northerly 26 2/3 feet of Sublot No. 13 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, and being 26 2/3 feet front on 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.103-22-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.14 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 40 feet front on the Easterly side of East 37th Street (formerly Wheat Street), and extending back of equal width 73 feet, 5 inches, 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 the 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 of said Allotment in Volume 2 of Maps, Page 34 of Cuyahoga County Records. Said part of said 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 the Taylor and Hoyt's Subdivision 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 a parcel of land having a frontage of 40 feet on the Easterly side of East 37th Street (formerly Forest Avenue) and extending back of equal width 73.5 feet deep as per said recorded plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**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. 103-22-109

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 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:

Said Northerly part of Sublot No. 18 has a frontage of 26 feet on Easterly side of East 37th 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 53.** 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 54.** That the real property to be sold pursuant 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 Parcel E in Dedication Plat for Stanley Toller Avenue, S.E. and Lot Split and Consolidation for SFR Partners Company, 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 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. 103-22-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Sublot No. 13 in 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, bounded as follows:

Beginning in the Westerly line of East 38th Street (formerly Williams Street) at a point 9 feet Southerly from the Northeast corner of said Sublot No. 13; thence Southerly along the Westerly line of East 38th Street, 41.01 feet to the Southeast

corner of said Sublot No. 13, 150.60 feet to the Southwest corner of said Sublot No. 13; thence Northerly along the Westerly line of said 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 57.** 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 58.** 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 10 feet of Sublot No. 15 in William 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 30-1/100 feet front on the Westerly side of East 38th Street (formerly Williams Street), and extending back of equal width 150.5 feet deep, be the same more or less, but subject to all legal highways.

Restrictions of record and zoning ordinances, if any.

**Section 59.** 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 60.** 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 Sublot No. 35 front to rear and the Northerly 10 feet of Sublot No. 34 front to rear in William Williams' 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 forming a parcel of land 30 feet front on the Easterly side of East 38th Street, (formerly Williams Street) and extending back of equal width 151 feet 7 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 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



Sublot No. 35 in the William Williams'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 30 feet from front on the Easterly side of East 38th Street, (formerly Williams 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.

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 the Southerly 11 feet from front to rear of Sublot No. 37 and the Northerly 17 feet 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 of said Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said parts of Sublot Nos. 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 between parallel lines 151-7/12 feet as appears by said plat. Said premises are conveyed subject to and with the right of way in common 6 feet wide and 151-7/12 feet long, 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 to and from the 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. 39 in W. 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 Cedar Avenue, S. E., 50 feet to the Easterly line of East 38th Street, thence Southerly along the Easterly line of East 38th Street, 28.60 feet to the place of beginning, be the same more or less, but subject to all legal highways.

**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 Original Ten Acre Lot Nos. 67, 68 and 69 and part of 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Westerly line of East 38th Street at a point distant Southerly measured along said Westerly line, 27 feet from the Northeast corner of said Sublot No. 14; thence Southerly, along the Westerly line of said East 38th Street, 3 feet; thence Westerly parallel with the Northerly line of said Sublot No. 14, 150.50 feet to the Westerly line of said Sublot No. 14; thence Northerly, along said Westerly line 30 feet to the Northwest corner of said Sublot No. 14, thence Easterly, along the Northerly line of said Sublot No. 14, 76 feet to a point distant Westerly measured along said Northerly line, 74.50 feet from the Westerly line of said East 38th Street, thence Southerly parallel with the Westerly line of said 38th Street, 27 feet; thence Easterly parallel with the Northerly line of said Sublot No. 14, 74.50 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

**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. 103-22-165

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublot No. 4 in William Williams' Allotment of the Southerly ends 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 at a point in the Westerly line of William Street, 60 feet wide, now East 38th Street, 60 feet wide, distant 21.00 feet Southerly herein from the Northeast corner of said Sublot No. 4; thence Westerly 50.00 feet parallel with the

Northerly line of said Sublot No. 4 to a point; thence Southerly 4.00 feet parallel with said Westerly line of East 38th Street to a point; thence Westerly 57.00 feet parallel with the said Northerly line of Sublot No. 4 to a point; thence Northerly 5.00 feet parallel with said Westerly line of East 38th Street to a point; thence Westerly 43.50 feet parallel with said Northerly line of Sublot No. 4 to a point in the Westerly line thereof; thence Northerly 20.00 feet along the Westerly line of Sublot No. 4 to the Northwest corner thereof; thence 150.50 feet along said Northerly line of Sublot No. 4 to the Northeast corner thereof; being a point in said Westerly line of East 38th Street; thence Southerly 21.00 feet along the Westerly line of East 38th Street to the place of beginning, according to a survey by Robert H. Krause, Registered Ohio Surveyor No. 2885, October 23, 1950, as appears by said Plat, be the same more or less, but subject to all legal highways.

**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. 103-22-170

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 10 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 8-5/12 feet from front to rear of Sublot No. 85 in Wm. 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.

**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:

## P. P. No. 103-23-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; known as being Sublot No. 87 in William, William's 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 Cedar Avenue, &E., 135 feet deep on the Easterly line of 136 feet deep on the Westerly line and 50 feet wide in rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 77.** 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 78.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-23-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Northerly 45 feet of the Southerly 49.33 feet of Sublot No. 69 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. 69 has a frontage of 45 feet on the Easterly side of East 39th Street, and extends back between parallel lines 151 feet and 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

**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.

**Section 80.** 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 Parcel "B" in the Lot Split & Consolidation for BFR Partners, LLC of part of Original Ten Acre Lot Nos. 68 and 69 as shown by the recorded plat in Volume 344 of Maps, Page 72 of Cuyahoga county Records, as appears by said plat, be he same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**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.

**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 Parcel "B" in the Lot Split & Consolidation for BFR Partners, LLC of part of Original Ten Acre Lot Nos. 68 and 69 as shown by the recorded plat in Volume 344 of Maps, Page 72 of Cuyahoga county Records, as appears by said plat, be he same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 83.** 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 84.** 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 part of Sublot Nos. 72 and 73 in William Williams' 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 together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 39th Street (formerly Grant Street) at a point distant 3.50 feet Southerly, measured along said Easterly line, from the Northwesterly corner of said Sublot No. 72; thence Northerly along said Easterly line of East 39th Street, 6 feet; thence Easterly and parallel with the Southerly line of said Sublot No. 73, 81.70 feet; thence Northerly, and parallel with the Easterly line of East 39th Street, 34 feet; thence Easterly, and parallel with the Southerly line of said Sublot No. 73, 70 feet to the Easterly line of said Sublot No. 73; thence Southerly, along the Easterly line of said Sublot Nos. 73 and 72, 40 feet; thence Westerly, and parallel with the Northerly line of said Sublot No. 72, 151.70 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 85.** 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 86.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-23-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Parcel A of the Lot Split and Consolidation Plat for BFR Partners, LLC of part of Original Ten Acre Lot Nos. 68 and 69 as shown by the recorded plat in Volume 346 of Maps, Page 55 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 87.** 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 88.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-23-048

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 has a frontage of 50 feet, 50 feet on the East side of East 39th Street (formerly Grant Street) and is 50 feet wide and 151 feet, 7 inches in depth, according to the plat of said Allotment as recorded in Volume 3 of Maps, Page 6 of Cuyahoga County Records.

**Section 89.** 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 90.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-23-049

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 and 69, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 50 feet front on the Easterly 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 A of the Lot Split and Consolidation Plat for BFR Partners, LLC, as shown by the recorded plat in Volume 343, Page 00 of Cuyahoga County Records.

**Section 91.** 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 92.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-23-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet front from front to rear of Sublot No. 82 in William Williams' Re-Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69, as shown by the recorded plat of said Re-Subdivision in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being a parcel of land 30 feet front on the Easterly 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, and further subject to restrictions of record, reservations, easement and conditions of record, if any.

**Section 93.** 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 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 BFR 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 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 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 BFR 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, if any.

**Section 97.** 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 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 Sublet No. 70 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 12.70 feet on the Easterly side of East 39th Street, and extending back 152.42 feet on the Northerly line, 152.43 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 legal highways. Know known as Parcel "C" in the Lot Split & Consolidation for 13FR Partners Company, LLC as shown 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 and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

**Section 102.** 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 27, 2010.

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**Ord. No. 1291-10.**

**By Council Member Brancatelli.**

**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,

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

**Section 1.** That Section 2 of Ordinance No. 865-09 passed June 8, 2009 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 177.

**Section 2.** That Section 2 of Ordinance No. 865-09 passed June 8, 2009 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.

**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; and

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

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

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

**Section 1.** That, pursuant to Section 675.07 of the Codified Ordinances, this Council hereby consents to allow the person named in this section to engage in peddling in the public right of way in Ward 15 at the locations specified: Maria Konstanino, 4906 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.

**Section 4.** That this ordinance supersedes any and all preceding ordinances that may authorize peddling at the above named location.

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

Passed September 27, 2010.

Effective September 28, 2010.

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**Ord. No. 1296-10.**

**By Council Member Pruitt.**

**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,

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

**Section 1.** That Section 2 of Ordinance No. 765-10 passed May 26, 2010 is hereby amended to read as follows:

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.

## COUNCIL COMMITTEE MEETINGS

**Monday October 4, 2010  
11:00 a.m.**

**Public Service Committee:** Present in Legislation: Miller, Chair; Cummins, Vice Chair; Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney. *Authorized Absence:* Cleveland

**2:00 p.m.**

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

**Tuesday October 5, 2010  
9:30 a.m.**

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

**Wednesday, October 6, 2010  
10:00 a.m.**

**Public Safety Committee:** Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cummins, Dow, Miller, Mitchell, Zone. *Authorized Absence:* Cleveland

**1:30 p.m.**

**Public Utilities Committee:** Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

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