The City Record
Official Publication of the Council of the City of Cleveland

April the Twenty-Seventh, Two Thousand and Eleven

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 Cimperm an
4 Kenneth L. Johnson
5 Phyllis E. Cleveland
6 Mamie J. Mitchell
7 TJ Dow
8 Jeffrey D. Johnson
9 Kevin Conwell
10 Eugene R. Miller
11 Michael D. Polensek
12 Anthony Brancatelli
13 Kevin J. Kelley
14 Brian J. Cummins
15 Matthew Zone
16 Jay Westbrook
17 Dona Brady
18 Martin J. Sweeney
19 Martin J. Keane

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DIRECTORY OF CITY OFFICIALS

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

WARD – Name Residence
1   Terrell H. Pratt 3877 East 189th Street 44122
2   Zachary Reed 3734 East 149th Street 44120
3   Joe Cimperman P.O. Box 91688 44101
4   Kenneth L. Johnson 2548 Hampton Road 44129
5   Phyllis E. Cleveland 2560 East 36th Street 44105
6   Mamiie J. Mitchell 12701 Shaker Boulevard, 44120
7   T J Dow 7735 Decker Avenue 44103
8   Jeffrey D. Johnson 9024 Parkgate Avenue 44108
9   Kevin Connell 10647 Beachwood Avenue 44106
10  Eugene R. Miller 3361 Keno Avenue 44110
11  Michael D. Polensie 17855 Brian Avenue 44119
12  Anthony Brancatelli 6924 Otawa 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  Dee Uddo 1372 West Boulevard 44102
18  Martin J. Sweeney 3602 West 133rd Street 44111
19  Martin J. Keane 15007 Calleste Lane 44111

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

MAYOR – Frank G. Jackson
Ken Stillman, Secretary to the Mayor, Chief of Staff
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
Valarie J. McCull, Executive Assistant to the Mayor, Chief of Government Affairs
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
Monika S. Price, Executive Assistant to the Mayor, Chief of Education
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
Andrew Wattersen, Executive Assistant to the Mayor, Deputy Chief of Staff
Nanaya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:
Architecture and Site Development – Robert Vilkas, Chief Architect, Manager
Engineering and Construction – ________, Chief Engineer, Manager
Real Estate – ________, Commissioner

DEPT. OF LAW – Robert J. Trizzoli, Director, Barbara A. Langhenry, Chief Counsel,
Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
Room 106, Michael Ruffing, Law Librarian, Room 100

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

DIVISIONS:
Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
Assessment and Licens – Dodrick Stephens, Commissioner, Room 122
City Treasurer – _____________, 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:
Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – ________, Commissioner
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

DIVISIONS:
Burke Lakefront Airport – Khalil Bahar, Commissioner
Cleveland Hopkins International Airport – Fred Sizszo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:
Administration – John Laird, Manager
Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:
Motor Vehicle Maintenance – Daniel A. Novak, Commissioner
Parking Facilities – Leigh Stevens, Commissioner
Property Management – Tom Nagle, Commissioner
Recreation – Kim Johnson, Commissioner
Streets – ________, Commissioner
Traffic Engineering – Robert Maeva, Commissioner
Waste Collection and Disposal – Ron Owens, Commissioner

DEPT. OF PUBLIC HEALTH – Karen Butler, Interim Director, Mural Building, 75

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

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

DIVISIONS:
Electric – John Baiert, Chief Dog Warden, 2960 West 7th Street
Correction – Robert Tabkey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Frank A. Stubbins, Chief, 1645 Superior Avenue
Police – Michael C. McGrath, Chief, Police Hqrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:
Administrative Services – Terrence Ross, Commissioner
Fair Housing and Consumer Affairs Office – ________, Manager
Neighborhood Development – ________, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500

DIVISIONS:
Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolozs, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – ________, Director, Room 121

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jeniece Contreas, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hou-Ryan, Ted C. Wummie, Peter Wilson

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Hickerson

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

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

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

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

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

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

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

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

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hdderson, Janet Lohr, 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. Trizzoli; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley

POLICE BOARD REVIEW – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cream, Elvin Yarbsby, Robert D. Coyne, Director Barry A. Withers; Council President Martin J. Sweeney; Councilman Kevin Kelley

CIVIL SERVICE COMMISSION – Room 119 – Jennifer Coleman, Chair; Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey, Allan Deyer, William Mason, Kasanatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary

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

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

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

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J. Miersk – Bailiff, Jerome M. Kukowksi – Chief Probation Officer, Gregory P. Clifford – Chief Magistrate, Victor Perez – City Prosecutor
The City Record

PUBLISHED WEEKLY BY THE CITY CLERK, CLERK OF COUNCIL UNDER AUTHORITY OF THE CHARTER OF THE CITY OF CLEVELAND.

OFFICIAL PROCEEDINGS CITY COUNCIL

MONDAY, APRIL 25, 2011

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

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, April 25, 2011

The meeting of the Council was called to order by the President, Martin J. Sweeney in the Chair. Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Dow, 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, Valarie J. McColl, Chief of Governmental Affairs, 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, Directors Tiziozi, Withers, Cox, Butler, Flack, Rush, Rybka, Southerington, Nichols, Fumich, Brown, Lucille Ambroz, Secretary, Civil Service, and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Dr. Robin Hedgeman of Bethany Christian Church, 3940 Martin Luther King Jr. Drive, located in Ward 2, Pledge of Allegiance.

MOTION

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

CITY OF CLEVELAND

Ladies and Gentlemen:

Report of the Mayor’s Appointment Committee’s consideration of the Mayor’s Appointment to the Citizens Industrial Air Pollution Advisory Committee.

We have before us the Mayor’s Letter wherein he names his appointment to the Citizens Industrial Air Pollution Advisory Committee:

James Bristol
Reappointment – Term expires on March 10, 2012

The Mayor’s Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor’s Appointment Committee

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

Received.

To the Honorable Council of the City of Cleveland

MAYOR’S APPOINTMENT COMMITTEE

File No. 538-11-A

April 25, 2011

To the Honorable Council of the City of Cleveland

Phyllis Cleveland

Reappointed.

Without objection, Mayor’s Appointment Committee.

File No. 528-11-B

April 25, 2011

To the Honorable Council of the City of Cleveland

Phyllis Cleveland

Reappointed.

Without objection, Mayor’s Appointment Committee.

MOTIONS

Carried third reading of Ordinance No. 2964-76.

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, April 25, 2011

The meeting of the Council was called to order by the President, Martin J. Sweeney in the Chair. Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Dow, 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, Valarie J. McColl, Chief of Governmental Affairs, 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, Directors Tiziozi, Withers, Cox, Butler, Flack, Rush, Rybka, Southerington, Nichols, Fumich, Brown, Lucille Ambroz, Secretary, Civil Service, and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Dr. Robin Hedgeman of Bethany Christian Church, 3940 Martin Luther King Jr. Drive, located in Ward 2, Pledge of Allegiance.

MOTION

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

CITY OF CLEVELAND

Ladies and Gentlemen:

Report of the Mayor’s Appointment Committee’s consideration of the Mayor’s Appointment to the Citizens Industrial Air Pollution Advisory Committee.

We have before us the Mayor’s Letter wherein he names his appointment to the Citizens Industrial Air Pollution Advisory Committee:

James Bristol
Reappointment – Term expires on March 10, 2012

The Mayor’s Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor’s Appointment Committee

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

Received.

To the Honorable Council of the City of Cleveland

MAYOR’S APPOINTMENT COMMITTEE

File No. 538-11-A

April 25, 2011

To the Honorable Council of the City of Cleveland

Phyllis Cleveland

Reappointed.

Without objection, Mayor’s Appointment Committee.

File No. 528-11-B

April 25, 2011

To the Honorable Council of the City of Cleveland

Phyllis Cleveland

Reappointed.

Without objection, Mayor’s Appointment Committee.
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April 27, 2011

File No. 538-11-l.
April 25, 2011
To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor’s Appointment Committee’s consideration of the Mayor’s Appointment to the Greater Cleveland Regional Transit Authority:

We have before us the Mayor’s Letter wherein he names his appointment to the Greater Cleveland Regional Transit Authority:

George Dixon
Reappointment – Term expires on March 3, 2014

The Mayor’s Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor’s Appointment Committee

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

Received.
Without objection, Mayor’s Appointment approved. Yeas 18. Nays 0.

File No. 538-11.H.
April 25, 2011
To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor’s Appointment Committee’s consideration of the Mayor’s Appointment to the Housing Advisory Board:

We have before us the Mayor’s Letter wherein he names his appointment to the Housing Advisory Board:

John Shaver Washington
Reappointment – Term expires on February 28, 2013

The Mayor’s Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor’s Appointment Committee

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

Received.
Without objection, Mayor’s Appointment approved. Yeas 18. Nays 0.

COMMUNICATIONS

File No. 570-11.
From: Office of John R. Kasich, Governor of the State of Ohio — Re: acknowledgement receipt of Cleveland City Council Resolution No. 209-11; regarding a claimant’s ability to receive an award of reparations regardless of past crimes. Received.

File No. 571-11.
From Director of Department of Public Works – Notification of intent to accept and expend a grant in the amount of $1,000 from Reader’s Digest for the Great Back to School Summit, scheduled for August 13, 2011 at Public Auditorium. Received.

STATEMENT OF WORK ACCEPTANCE

File No. 572-11.
From Director of Department of Public Utilities – Contract 67932 with The Great Lakes Construction Company for Morgan East Reservoir Project for the Division of Water. Received.

File No. 573-11.
From Director of Department of Public Utilities – Contract 67932 with Terrance Construction Company for Cleaning and Cement Mortar Lining of Distribution Mains 2008 Area B for the Division of Water. Received.

File No. 574-11.
From Director of Department of Public Utilities – Contract Nos. P100552A and SA8253A with The Petty Group for Henninger Avenue Sewer Replacement Project for the Division of Water Pollution Control. Wards 3 and 13. Received.

File No. 575-11.
From Director of Department of Public Works — Contract P12010000000014 with SJA, LLC for Collinwood Multi Complex Locker Room Improvement. Ward 10. Received.

File No. 576-11.
From Director of Department of Public Works — Contract P12010000000032 with Dodson & Associates, Inc. for Zelma Watson George Recreation Center Exterior Door Replacement. Ward 6. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 577-11.
Re: 26549661 C1 New Application — 17229 Corporation, 17229 Euclid Avenue. (Ward 10). Received.

File No. 578-11.
Re: 23345297 D4 New Application Greek Corner Acoustic LLC, d.b.a. Greek American Brotherhood, 4916 Pearl Road. (Ward 13). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 579-11—Marie R. Romine
Res. No. 580-11—Thelma Redmond
Res. No. 581-11—Mary Lou Jaworski

CONGRATULATION RESOLUTIONS

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

Res. No. 580-11—Brenda M. Ware-Abrams
Res. No. 581-11—Ollie Shaw

RECOGNITION RESOLUTION

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

Res. No. 582-11—Foursquare Day.

APPRECIATION RESOLUTIONS

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

Res. No. 583-11—David F. Perse, M.D.
Res. No. 584-11—Carrie Carpenter

COMMEMORATION RESOLUTION

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

Res. No. 587-11—Vietnamese Community in Greater Cleveland (36th Anniversary of the Fall of Saigon).

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 557-11.
By Council Members Kelley and Sweeney (by department).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Kubra Data Transfer Ltd. for professional services necessary to provide online bill payment and bill presentation services, for the Division of Cleveland Public Power, Department of Public Utilities, 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 Public Utilities is authorized to enter into one or more contracts with Kubra Data Transfer Ltd. for professional services necessary to provide online bill payment and bill presentation services, for the Division of Cleveland Public Power, in the total sum of $75,000, for the City of Cleveland:

(a) To enter into one or more contracts with Kubra Data Transfer Ltd. for online bill presentation services, for the Division of Cleveland Public Power, for a period of one year with three one-year options to renew, the second of which is exercisable through additional legislative authority.

(b) That this ordinance is a necessary and proper exercise of legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew may be exercised by the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may 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 Public Utilities, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may be exercised without additional legislative authority.

Passed April 27, 2011, by the following votes:

Yeas: 18
Nays: 0

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

Ord. No. 558-11.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to purchase various wattage LED streetlights, including any materials necessary to retrofit or replace existing outdoor streetlights, to be installed on a limited number of poles for a pilot program up to two years, for the Division of Cleveland Public Power, Department of Public Utilities.

Whereas, the Department of Public Utilities desires to implement a pilot program for up to two years on a limited number of poles to evaluate the performance, photometry, aesthetic ambiance, and energy and cost savings of LED streetlights; and
Whereas, the pilot program will sample LED streetlights, including fixtures, of several common sizes from multiple vendors; 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 any provision of the Revised Code and Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to make one or more written contracts with not more than the seven (7) lowest and best bidders for each or all of the following items: equal quantities of LED equivalent 150-watt streetlights, and LED equivalent 400-watt streetlights, including any materials necessary to retrofit or replace existing outdoor streetlights, to implement a pilot program for up to two years on a limited number of poles to evaluate the performance, photometry, aesthetic ambiance, and energy and cost savings of LED streetlights, for the Division of Cleveland Public Power, Department of Public Utilities.
Section 2. That under Section 108(b) of the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.
Section 3. That the cost of the contract or contracts authorized shall not exceed $200,000 and shall be paid from Fund No. 20 SP 670, Request No. RQS 2004, RL 2011-27.
Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earlier period allowed by law.
Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 559-11.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into an amendment to Contract No. 69292 with Brown and Caldwell, Inc. to perform additional energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a period of two years, and
Whereas, additional services are necessary, and
Whereas this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,
Be it ordained by the Council of the City of Cleveland:
Section 1. That the Director of Public Utilities is authorized to enter into an amendment to Contract No. 69292 with Brown and Caldwell, Inc. to perform additional energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a period of two years; and
Section 2. That the amendment 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 earlier period allowed by law.
Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 560-11.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance amending Section 1 of Ordinance No. 732-07, passed June 11, 2007, as amended by Ordinance No. 51-09, passed March 2, 2009 relating to applying for and accepting grants and gifts from public and private entities to facilitate sustainable projects, and authorizing various contracts to implement.
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 1 of Ordinance No. 732-07, passed June 11, 2007, as amended by Ordinance No. 51-09, passed March 2, 2009, is amended to read as follows:
Section 1. That the Director of Public Utilities, or other appropriate Director, is authorized to apply for and accept grants and gifts from any source for sustainability program-related projects until June 15, 2013, including but not limited to the following projects: Solar Thermal Pilot Project; Curbside Recycling Pilot Project; Biofuel and Refined Fuels Pilot Project; Sustainability Program Marketing and Education Program; LEED Certification, Green Building Guidebook; and Car Sharing Pilot Program. That the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.
Section 2. That existing Section 1 of Ordinance No. 732-07, passed June 11, 2007 as amended by Ordinance No. 51-09, passed March 2, 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 earlier period allowed by law.
Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 561-11.
By Council Members Keane, Cleveland and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into one or more leases or licenses by way of concession and one or more agreements for the purpose of designing, constructing, managing, operating and maintaining and upgrading a gas station and related amenities on selected Cleveland Hopkins International Airport property at or near the intersection of Brookpark Road and Rocky River Drive, for a period up to thirty years, with one ten year option to renew, 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 one or more leases or licenses by way of concession and one or more agreements for the purpose of designing, constructing, managing, operating and maintaining and upgrading a gas station and related amenities on selected Cleveland Hopkins International Airport property at or near the intersection of Brookpark Road and Rocky River Drive, for a period up to thirty years, with one ten year option to renew, exercisable through additional legislative authority.
Section 2. That the Director of Port Control is authorized to enter into one or more leases or licenses by way of concession and one or more agreements for the purpose of designing, constructing, managing, operating and maintaining and upgrading a gas station and related amenities on selected Cleveland Hopkins International Airport property at or near the intersection of Brookpark Road and Rocky River Drive, for a period up to thirty years, with one ten year option to renew, exercisable through additional legislative authority.
Section 3. That the selection of the entity for the project shall be made by the Board of Control on the nominating committee.
tion of the Director of Port Control from a list of entities available as may be provided after a full and complete canvass by the Director of Port Control, for the purpose of com-

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-
tive vote of two-thirds of all the mem-
bers 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 ear-
liest period allowed by law.

Referred to Directors of Port Con-
trol, City Planning Commission, Finance, Law; Committees on Avia-
tion and Transportation, City Plan-
ing, Finance.

Ord. No. 562-11. By Council Members K. Johnson and Sweeney (by departmental request). An emergency ordinance authoriz-
ing the Directors of Public Works and Finance to enter into one or more con-
tracts for Cleveland Metropolitan School District to conduct recre-
ational, cultural, and extracurricular programs for the benefit of school children during the 2010-11 school year.

Whereas, Undersigned Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility, tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recre-

ial and extra-curricular programs within the Cleveland School System; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extra-curricular programs for City school children during the 2010-11 school year, including dance, drama, instrumen-
al, vocal, cheerleading, aquatic, sports, and academic enrich-

Whereas, this ordinance consti-
tutes an emergency measure provid-
ing for the usual daily operation of a municipal department; now, there-
fore,

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

Section 1. That the Directors of Public Works and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extra-curricular programs for the benefit of City school children during the 2010-11 school year, under the program description contained in Ord. No. 564-11.

The cost of the contract or contracts shall not exceed $1,090,806 and shall be paid from Fund No. 11 SF 095, Request No. RQS 7001, RL 2011-76.

Whereas, under Ordinance No. 1025-01, passed June 19, 2001, this Council authorized the Director of Economic Development to enter into Contract No. 55287 with 3500 Group, Ltd. to modify certain terms and conditions of the contract.

Ord. No. 564-11. By Council Members Cimperman, Branccatiello and Sweeney (by depart-
mental request).

An emergency ordinance authoriz-
ing the Director of Economic Devel-

Whereas, under Ordinance No. 1025-01, passed June 19, 2001, this Council authorized the Director of Economic Development to enter into Contract No. 55287 with 3500 Group, Ltd. to modify certain terms and conditions of the contract as stated in File No. 564-11A.

Section 1. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-
tive vote of two-thirds of all the mem-
ers 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 ear-
liest period allowed by law.

Referred to Directors of Economic Development, Finance, Law; Commit-
tees on Community and Economic Development, Finance.


An emergency ordinance authoriz-
ing the Director of Economic Devel-

Whereas, some current recipients of original UDAG loans have requested the opportunity to prepay their original UDAG loans which have a scheduled balloon payment during the loan term to accept discount pre-

Whereas, this ordinance consti-
tutes an emergency measure provid-
ing for the immediate preservation of the public peace, property, health, and welfare in that its enactment is a necessary prerequisite to provide immediate assistance to create and preserve additional job opportuni-
ties and to advance and promote commercial and economic develop-
ment in the City of Cleveland; now, there-
fore,

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

Section 1. That the Director of Economic Development is author-
ized to enter into one or more con-
tracts amendments with various original UDAG loan recipients which have a scheduled balloon payment during the loan term to accept discount pre-

Whereas, under Ordinance No. 55287 with 3500 Group, Ltd., to modify certain terms and conditions of the contract as stated in File No. 564-11A.

Section 2. That the Director of Economic Devel-

Whereas, under Ordinance No. 1892-02, passed April 11, 2002, this Council authorized an amend-
ment to the contract to change cer-
tain terms and conditions of the original contract; and

Whereas, additional changes are necessary;

Whereas, this ordinance consti-
tutes an emergency measure provid-
ning for the usual daily operation of a municipal department; now, there-
fore,

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

Section 1. That the Director of Economic Development, Finance, Law; Committees on Public Works, Properties, and Recreation, Finance.


An emergency ordinance authoriz-
ing the Director of Public Health to enter into an agreement or memorandum of understanding with the Cuya-
hoga County Tapestry System of Care for outpatient substance abuse treat-
mant and other clinical services per-
formed by the Department of Public Health; and to accept payments for clinical services provided to the referred indi-

Whereas, this ordinance consti-
tutes an emergency measure provid-
ning for the usual daily operation of a municipal department; now, there-
fore,

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


An emergency ordinance authoriz-
ing the Director of Public Health to enter into an agreement or memorandum of understanding with the Cuya-
hoga County Tapestry System of Care for outpatient substance abuse treat-
mant and other clinical services per-
formed by the Department of Public Health; and to accept payments for clinical services provided to the referred indi-

Whereas, this ordinance consti-
tutes an emergency measure provid-
ning for the usual daily operation of a municipal department; now, there-
fore,

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

Ord. No. 564-11. By Council Members K. Johnson and Sweeney (by depart-
mental request).

An emergency ordinance authoriz-
ing the Director of Public Health to enter into an agreement or memorandum of understanding with the Cuya-
hoga County Tapestry System of Care for outpatient substance abuse treat-
mant and other clinical services per-
formed by the Department of Public Health; and to accept payments for clinical services provided to the referred indi-

Whereas, this ordinance consti-
tutes an emergency measure provid-
ning for the usual daily operation of a municipal department; now, there-
fore,

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

Section 1. That the Director of Economic Development is author-
ized to accept, on behalf of the City, dis-
counted prepayments from original UDAG loan recipients which have a scheduled balloon payment during the loan term to accept discount pre-

Whereas, this ordinance consti-
tutes an emergency measure provid-
ning for the usual daily operation of a municipal department; now, there-
therefore,

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


An emergency ordinance authoriz-
ing the Director of Public Health to enter into an agreement or memorandum of understanding with the Cuya-
hoga County Tapestry System of Care for outpatient substance abuse treat-
mant and other clinical services per-
formed by the Department of Public Health; and to accept payments for clinical services provided to the referred indi-

Whereas, this ordinance consti-
tutes an emergency measure provid-
ning for the usual daily operation of a municipal department; now, there-
therefore,

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


An emergency ordinance authoriz-
ing the Director of Public Health to enter into an agreement or memorandum of understanding with the Cuya-
hoga County Tapestry System of Care for outpatient substance abuse treat-
mant and other clinical services per-
formed by the Department of Public Health; and to accept payments for clinical services provided to the referred indi-

Whereas, this ordinance consti-
tutes an emergency measure provid-
ning for the usual daily operation of a municipal department; now, there-
therefore,
Section 3. That the contract amendments shall be prepared by the Director of Economic Development and shall be approved by the Mayor; or, if the agreement is not approved by the Mayor, the amendment may be submitted to the Cleveland City Council for approval. Should the amendment not be approved by the Cleveland City Council, the amendment shall be considered null and void.

Section 4. That the Director of Economic Development is authorized to release the collateral and all collateral held as security for the loans and to secure repayments of the loans and to release any and all collateral taken as security for the loans. Any release of security instruments shall be prepared and approved by the Director of Finance.

Section 5. That the Director of Economic Development is authorized to deposit the prepayments into Fund No. 17 SF 006.

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; or, if the agreement is not approved by the Mayor, it may be submitted to the Cleveland City Council for approval. Should the amendment not be approved by the Cleveland City Council, the amendment shall be considered null and void.


FIRST READING EMCERGENCY ORDINANCES READ IN FULL AND PASSED


An emergency ordinance authorizing the Commissioner of Purchases and Supplies to seek bids for print and mailing services for the Clerk of Council, Cleveland City Council, and to enter into a contract or contracts with the highest bidder for Cleveland City Council. Bids shall be taken in such manner as to permit an award to be made as a single contract, or by separate contract for each item, and such bids shall be determined by the Commissioner of Purchases and Supplies until provision is made for the requirements for two years. Said contract or contracts shall have two one-year options to renew exercisable by the Clerk of Council.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase under the contract, which purchase, and all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to this ordinance.

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; or, if the agreement is not approved by the Mayor, it may be submitted to the Cleveland City Council for approval. Should the amendment not be approved by the Cleveland City Council, the amendment shall be considered null and void.

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

That the ordinance authorizing the Commissioner of Purchases and Supplies to seek bids for print and mailing services for the Clerk of Council, Cleveland City Council, and to enter into a contract or contracts with the highest bidder for Cleveland City Council. Bids shall be taken in such manner as to permit an award to be made as a single contract, or by separate contract for each item, and such bids shall be determined by the Commissioner of Purchases and Supplies until provision is made for the requirements for two years. Said contract or contracts shall have two one-year options to renew exercisable by the Clerk of Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; or, if the agreement is not approved by the Mayor, it may be submitted to the Cleveland City Council for approval. Should the amendment not be approved by the Cleveland City Council, the amendment shall be considered null and void.

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

That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Gordon Square Community Development Organization to install, maintain and remove a sign on the Southwestern Corner of Mayfield Road and Detroit Avenue to direct motorists to the Gordon Square Farmers’ Market.

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


An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Gordon Square Community Development Organization to stretch a banner across West 65th Street south of Cleveland Avenue and north of Franklin Boulevard, for the period from May 15, 2011 to June 14, 2011, inclusive, at the request of Monica Cater to engage in mobile peddling in Ward 10.

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

Whereas, the Council has considered the request of Monica Cater to engage in mobile peddling in the public rights of way of Ward 10; and

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

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

Section 1. That the Council of Cleveland consents, as required by, Section 675.07 of the Codified Ordinances to allow Monica Cater to engage in mobile peddling in the public rights of way of Ward 10 at East 155th Street and Sylvina 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 may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; or, if the agreement is not approved by the Mayor, it may be submitted to the Cleveland City Council for approval. Should the amendment not be approved by the Cleveland City Council, the amendment shall be considered null and void.

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.


An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Gordon Square Community Development Organization to stretch a banner across West 65th Street south of Cleveland Avenue and north of Franklin Boulevard, for the period from May 15, 2011 to June 14, 2011, inclusive, at the request of Monica Cater to engage in mobile peddling in Ward 10.

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

Whereas, the Council has considered the request of Monica Cater to engage in mobile peddling in the public rights of way of Ward 10; and

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

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

Section 1. That the Council of Cleveland consents, as required by, Section 675.07 of the Codified Ordinances to allow Monica Cater to engage in mobile peddling in the public rights of way of Ward 10 at East 155th Street and Sylvina 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 may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; or, if the agreement is not approved by the Mayor, it may be submitted to the Cleveland City Council for approval. Should the amendment not be approved by the Cleveland City Council, the amendment shall be considered null and void.

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.


An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Gordon Square Community Development Organization to stretch a banner across West 65th Street south of Cleveland Avenue and north of Franklin Boulevard, for the period from May 15, 2011 to June 14, 2011, inclusive, at the request of Monica Cater to engage in mobile peddling in Ward 10.

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

Whereas, the Council has considered the request of Monica Cater to engage in mobile peddling in the public rights of way of Ward 10; and

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

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

Section 1. That the Council of Cleveland consents, as required by, Section 675.07 of the Codified Ordinances to allow Monica Cater to engage in mobile peddling in the public rights of way of Ward 10 at East 155th Street and Sylvina 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 may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; or, if the agreement is not approved by the Mayor, it may be submitted to the Cleveland City Council for approval. Should the amendment not be approved by the Cleveland City Council, the amendment shall be considered null and void.

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.

Ord. No. 566-11. By Council Member Reed.

An emergency ordinance withdrawing objection to the transfer of ownership of a D1 Liquor Permit to Martin J. Martina, DBA Cozy Inn, 4568 Warner Road and repeal Resolution No. 376-11 adopted by the Council on March 14, 2011; and

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

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:

That objection to a D1 Liquor Permit to Martin J. Martina, DBA Cozy Inn, 4568 Warner Road, Cleveland, Ohio 44105, Permanent No. 5588648 by Resolution No. 376-11 adopted by the Council on March 14, 2011; and

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

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:

That objection to a D1 Liquor Permit to Martin J. Martina, DBA Cozy Inn, 4568 Warner Road, Cleveland, Ohio 44105, Permanent No. 5588648 be and the same is hereby withdrawn and Resolution No. 376-11 containing said objection be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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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 remain in effect for only one year from the date of its adoption and approval. Adopt Yeas 18, Nays 0. Read second time. Read third time in full. Adoption. Yeas 18, Nays 0.

Res. No. 568-11. By Council Member Sweeney. An emergency resolution objecting to a New C1 Liquor Permit at 4796 West 130th Street; Wherein, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Bela Seder, 4796 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7951783, and

Wherein, the granting of this application for a liquor permit to this high crime area, which is also adjacent to other liquor outlets, is contrary to the best interest of the entire community; and

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

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

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

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

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

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

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

SECTION 1. That Council does hereby record its objection to a New C1 Liquor Permit at Bela Seder, 4796 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7951783, and requests the Director of Liquor Control to deny said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

SECTION 2. That the Clerk of Council be and is hereby directed to transmit two certified copies of this resolution to the

ORDNANCES PASSED

Ord. No. 92-11. By Council Members Pruitt, Mitchell and Sweeney (by departmental request). An emergency ordinance to amend Sections 241.03, 241.05, 241.38, 171.241, 171.242, and 171.37 of the Codified Ordinances of Cleveland, Ohio, 1976, and applicable by virtue of said ordinances, to effectuate changing the name of the Division of Personnel and Human Resources to the Department of Human Resources.

Ord. No. 143-11. By Council Members Kelley and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Utilities to enter into a contract with EnerNOC Inc. for program services that EnerNOC’s demand response program by the Division of Water for a period of two years with one two-year option to renew exercisable by the Director of Public Utilities.

Ord. No. 210-11. By Council Members Cimperman, J. Johnson and Mitchell. An emergency ordinance to amend various sections of Chapters 241, 508, and 675 of the codified Ordinances of Cleveland, Ohio, 1976, as amended and renumbered by various ordinances relating to vendors; to supplement the codified ordinances by enacting new Sections 141.651, 241.36, 241.37, relating to mobile food shops; and to rename Chapter 675 to “Street Vendors.”

Approved by Directors of Public Health, Capital Projects, Public Safety, Economic Development, City Planning, Commission, Law; Referred to Committee on City Planning; Passage recommended by Committees on Health and Human Services, Public Safety, Community and Economic Development, Legislation, Finance, when amended, as follows:

1. In Section 1, at amended Section 241.02, first paragraph, line 1, strike “Director of Public Health”; in lines 7 and 11, strike “Commissioner” and insert “Director of Public Health” in both places; and in line 18, strike “or Commissioner of Environmental Means” and insert “means.”

2. In Section 1, at amended Section 241.05, insert new division (k) to read as follows: (k) A mobile food shop license, the permit to the Board within ten days from the date of the written decision of the Commissioner; and reletter existing division (l) to “(m).”

3. In Section 1, at amended Section 241.05, insert new division (j) to read as follows: (j) On receipt of an application for a mobile food shop license, the Commissioner of Assessments and Licenses shall notify the Council member or members in whose ward or wards the mobile food shop will be located in writing and shall file with the Board within ten days from the date of notice of suspension, revocation, or disapproval of a permit to the Commissioner of Assessments and Licenses; and, upon receipt of the notice, appeal the Commissioner's decision to the Board of Zoning Appeals established pursuant to Charter Section 76.6. Notice of such appeal shall be in writing and shall be filed with the Board within ten days from the date of the written decision of the Commissioner; and, upon receipt of such appeal, the Board shall notify the Commissioner of its decision.

4. In Section 1, at amended Section 241.06(d), line 1, after “revocation of” insert “the”; and in line 2, after “revocation of” insert “a”; insert new division 241.06(e) to read as follows: (e) A mobile food shop (e) On receipt of an application for a mobile food shop license, the permit to the Board within ten days from the date of the written decision of the Commissioner, or Commissioner of Environmental Means, and reletter existing division (f) to “(g).”

5. In Section 1, at amended Section 241.07(b), line 2, strike “one hundred dollars ($100.00)” and insert “one hundred fifty dollars ($150.00)”; and in line 10, strike “two thousand” and insert “two thousand five hundred dollars ($2500.00).”
8. In Section 1, at amended Section 675.03(a), line 2, after "675.02", strike the period.
9. In Section 1, at amended Section 675.04, insert a new division (f) to read as follows: "(f) No person shall engage in vending in more than five wards plus zones established under Section 675.04.
10. In Section 1, at amended Section 675.99(a), line 2, strike "one hundred eighty dollars ($180.00)" and insert "one hundred fifty dollars ($150.00)."
11. In Section 3, at new Section 241.38(a), line 1, and in (b), line 1, strike "may" and insert "shall" in both places.
12. In Section 3, at new Section 241.38(b), strike division (2) in its entirety and insert: "(2) From any trailer, including a trailer hitched to a motor vehicle, structure or other device, that is situated in any portion of a street which is designed or ordinarily used for vehicular travel, except a motorized vehicle on the premises of a street where and during the hours that parking is permitted;" in division (a)(4), line 2, strike "shall" and insert "after "Association," strike the period and insert "or;" and insert a new division (d) as follows: "(d) From a vehicle, structure or device that is more than 40 feet in length.
13. In Section 3, at new Section 241.38(b)(6), line 3, after "renewal" insert "and during its hours of operation."
14. In Section 3, at new Section 241.38(b)(7), line 1, after "offering" insert "pre-packaged;" and in line 2, strike "by this Code" and insert "under Chapter 675."
15. In Section 3, at new Section 241.38(d)(1), line 3, strike "and;" in division (d)(5), line 3, strike the period and insert "; and;" and add new division (d)(6) to read as follows: "(6) Directly handling food must be free of communicable disease to reduce the risk of food borne disease transmission and adhere to all provisions of OAC 3717-1-02.1 pertaining to management and employee health."
16. In Section 3, at new Section 241.38(e)(1), line 5, after "must" insert "and;" and in division (e)(5), line 1, after "food" insert "shop;" and in lines 2 and 3, strike "Parks, Recreation and Cultural Properties and insert "Public Works."
17. Insert new Sections 5 and 6, to read as follows:

"Section 5. That the Director of Public Health shall report to the members of Council on the effectiveness of this ordinance no later than September 28, 2011."

"Section 6. That Sections 241.05, 241.051, 241.36, 241.37 and 241.38, as amended and enacted by this ordinance, shall expire and be of no further force and effect on November 28, 2011."

18. Renumber existing Section 5 to new Section 5.

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. 218-11. By Council Members Cleveland and Sweeney (by departmental request). An emergency ordinance authorizing the Director of the City Planning Commission to enter into one or more contracts with various entities to implement the grant.

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

Ord. No. 329-11. By Council Members Conwell, Mitchell, Sweeney, Brady, Dow, Polensek and Cummins (by departmental request). An emergency ordinance to supplement the previously adopted Ordinances of the City of Cleveland, Ohio, 1976, by enacting new Sections 676.06, 676.07, 676.08, 676.09, 676.10, 676.11, as enacted by Ordinance No. 194769, passed November 9, 1996, and Section 676.01, relating to the regulation of scrap metal dealers, scrap recordkeeping requirements, electronic reporting to the Division of Police, electronic recording of identification, special purchase items, exempt transactions, recordkeeping by secondhand dealers, and the sale of plastic crates or trays; to repeal existing section 676.06, as amended by Ordinance No. 86-08, passed June 2, 2006; to repeal Sections 676.08, 676.09, 676.10 and 676.11, as enacted by Ordinance No. 194769, passed November 9, 1996, and Section 676.01, relating to definitions, as amended by Ordinance No. 86-08, passed June 2, 2006; and to amend Section 676.09, as amended by Ordinance No. 1304-97, passed December 14, 1998, relating to penalties. Approved by Directors of Public Safety, Finance, Law; Relieved of Committee on Legislation; Passage recommended by Committees on Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance.

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

Ord. No. 332-11. By Council Members K. Johnson, Mitchell, and Sweeney (by departmental request). An emergency ordinance to enact Section 131.051 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to rates for rental of the City Hall Rotunda; and to amend Section 131.78 of the codified ordinances, relating to parking.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Recreation and Airports, the Green Technology Community and Economic Development Program, the Transportation for Livable Communities Grant Program; authorizing the Director to enter into one or more contracts with various entities to implement the grant.

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

Ord. No. 358-11. By Council Members Kelley and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide general environmental health, safety, sustainability, engineering, and other services needed for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, on an as-needed basis, for a period up to two years.

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

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


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

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

Ord. No. 459-11. By Council Members Brancaletili and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Economic Development to enter into one or more contracts with the Cleveland-Cuyahoga County Port Authority to 4500 Division LLC.

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

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

Ord. No. 460-11. By Council Members Brancaletili and Sweeney (by departmental request). An emergency ordinance to amend Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 71-14-10, passed June 7, 2010, and to amend Sections 2, 4, and 6 of Ordinance No. 646-08, passed June 5, 2008, relating to funding for the Job Creation Incentive Grant Program, the Green Technology Business Grant Program, the Transportation for Livable Communities Grant Program, and the Downtown and City-wide Business Grant Program.
Approved by Directors Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 461-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for environmental assistance in connection with the proposed redevelopment of the former Brookpark landfill located at Klotthoff Road and I-71 Center Drive; and authorizing the director to employ one or more professional services firms of consultants who employ an Ohio VAP-Certified professional for the purpose of supplementing the regularly employed staff of the City of Cleveland in order to provide professional services necessary to implement the grant project.

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

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

Ord. No. 473-11.
By Council Members Cimperman, J. Johnson and Mitchell.

An emergency ordinance repealing sections 235.01 through 235.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 279-A-86, passed February 9, 1987 relating to a smoking ban in city-owned outdoor areas specifically designated by the City of Cleveland for a civil offense and to supplant the Clean Indoor Air Act and to supersede February 9, 1987 relating to a smoking ban in city-owned outdoor areas adjacent to City-owned and occupied buildings that are used by the public not including the public right-of-way. “Outdoor Area” does not include the City-owned golf courses at Bluffton Harbor, Voinovich Park, and 9th Street Pier, and City-owned fishing piers and breakwalls in cemeteries and designated smoking areas at City airports as designated by the Director of Public Works, and City buildings, as designated by the Director of Public Works, not including the public occupied buildings that are used by areas adjacent to City-owned and City-owed and other City-owned areas specifically designated by the City of Cleveland for a civil offense and to supplant the Clean Indoor Air Act and to supersede February 9, 1987 relating to a smoking ban in city-owned outdoor areas specifically designated by the City of Cleveland for a civil offense.

Amendments agreed to.

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

Ord. No. 474-11.
By Council Member Cimperman, J. Johnson and Mitchell.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 241.42, relating to foods containing artificial trans fat restricted.

Approved by Directors Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Legislation, Finance, when amendments were struck.

1. In the title, lines 4 and 5; in the second whereas clause, line 2; in the third whereas clause, line 1; in the fourth whereas clause, line 3; in Section 1, at new Section 241.42 in the title; in Section 1, at new Section 241.42(a), line 1; in Section 1, at new Section 241.42(b), line 2; between "artificial" and "and", strike "artificial" and insert "industrially-produced".

2. In Section 1, at new Section 241.42(c), line 2, after "content" insert "an affidavit provided the food and shall provide for a certification of the fat content of the food products supplied, or other"; and in line 8, strike "Document" and insert "Documentation acceptable to the Director" and insert "Documentation based upon information".

3. In Section 1, at new Section 241.42(d), line 2, between "the" and the comma, insert "containing"; in line 4, strike "lists" and insert "notes"; and strike line 5 entirely and insert "is 0 grams as required" to contain industrially-produced trans fat.

4. In Section 1, at new Section 241.42(e), line 2, after "content or" insert "an affidavit provided the food supplier identifies the trans fat content of the food products supplied, or other"; and in line 8, strike "Document" and insert "Documentation acceptable to the Director", and based upon information"; strike line 14 entirely and insert "and based upon information.

5. In Section 1, at new Section 241.42(f), insert new division (e) to read as follows:

"(e) The Director of Public Health may issue rules and regulations to carry out the provisions of these sections relating to the second whereas clause, line 2; and in line 4, strike "artificial" and insert "industrially-produced", as it affects real property not owned by the City or is otherwise permitted under RC Chapter 3794. A smoking area within the restricted zones at City airports as designated by the Director of Port Control, and City buildings, as designated by the Director of Public Works, are not included in this section. In 235.02(c), strike lines 3, 4, and 5 in their entirety and insert "purpose, and that it be known to the public."

6. In Section 2, at amended Section 235.01(b), line 4, strike "penalties" and insert "a civil fine.

7. In Section 2, at amended Section 235.01, strike division (b) in its entirety and insert "(b) Whoever violates Section 235.01(a) or 235.02(b) is liable to the City of Cleveland for a civil offense and shall receive a warning on the first offense; on the second offense, shall be fined $150.00; on a third offense shall be fined $250.00; and beginning with the fourth offense, shall be fined $1,000.00 and each day a violation occurs shall be a separate offense. Any person charged with the commission of a civil offense under this section may appeal to the Director of Public Health, or his or her designee. The appeal shall be taken not later than 20 days from the date of the civil charge. Failure to file an appeal or pay the costs imposed within this time period shall constitute a waiver of the right to contest the charge and shall be considered an admission."

8. In Section 2, at amended Section 235.01, insert new Section (c) to read as follows:

"(c) The Director of Public Health may issue rules and regulations to carry out the provisions of these sections relating to the second whereas clause, line 2; and in line 4, strike "artificial" and insert "industrially-produced", as it affects real property not owned by the City or is otherwise permitted under RC Chapter 3794. A smoking area within the restricted zones at City airports as designated by the Director of Port Control, and City buildings, as designated by the Director of Public Works, are not included in this section. In 235.02(c), strike lines 3, 4, and 5 in their entirety and insert "purpose, and that it be known to the public."

9. In Section 2, at amended Section 235.01(b), line 4, strike "penalties" and insert "a civil fine.

10. In Section 2, at amended Section 235.01(a), at the end, strike the period and insert "; except areas adjacent to City-owned and other City-owned areas adjacent to City-owned and occupied buildings that are used by the public not including the public.
Those voting nay: Council Member Cleveland.

Absent: Council Member Cummins.

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. 502-11.

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the second option to renew Contract No. 69139 with Hylant Group to provide fire and extended property insurance for facilities and equipment, for the Division of Cleveland Public Power, Department of Public Utilities; and to enter into an amendment to Contract No. 69139 to provide additional services.

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

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

LAID ON THE TABLE

ORD. NO. 906-10.

By Council Members J. Johnson, Cleveland, Mitchell, Dow, Brancatelli, Conwell, Pratt, and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a development agreement with MidTown Cleveland, Inc., or its designee, for the development and relocation of the Third District Police Station from 10660 Chester Avenue to 4501 Chester Avenue; authorizing the Commissioner of Purchasers and Supplies to sell City-owned property no longer needed for public use located at 10660 Chester Avenue to J. Christopher Enterprises, Inc., or its designee; and authorizing the Director to lease back 10660 Chester Avenue from J. Christopher Enterprises, Inc., or its designee, on a month-to-month basis until such time as the new Third District Police Station is built and all operations have moved from 10660 Chester Avenue to 4501 Chester Avenue; authorizing the Commissioner of Purchasers and Supplies to sell City-owned property no longer needed for public use located at 10660 Chester Avenue to J. Christopher Enterprises, Inc., or its designee, on a month-to-month basis until such time as the new Third District Police Station is built and all operations have moved from 10660 Chester Avenue to 4501 Chester Avenue; authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Crawford County; and authorizing the Director, Office of Equal Opportunity, to enter into a development agreement with MidTown Cleveland, Inc., or its designee, for the development and relocation of the Third District Police Station from 10660 Chester Avenue to 4501 Chester Avenue.

Without objection, Ordinance No. 906-10 was relieved of further consideration of all committees and laid on the table pursuant to Rules of Council.

The rules were suspended. Yeas 18, Nays 0. Ordinance No. 906-10 Laid on the Table.

MOTION

By Council Member Miller, seconded by Council Member Zone and unanimously carried that the absence of Council Member Brian J. Cummins, be and hereby authorized.

MOTION

The Council Meeting adjourned at 9:15 p.m. to meet on Monday, May 2, 2011 at 7:00 p.m. in the Council Chambers.
Resolution No. 166-11.
By Director Smith.
Resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1404-07, passed by the Cleveland City Council October 25, 1976, the City of Cleveland, through the Director of Public Works is authorized to enter into a contract for the improvement of the aforementioned public improvement with HLH Systems (“HLH Systems”), is approved:
The requirement contract shall provide for an initial order, the cost of which shall be certified to the Contractor, in aggregate amount of not less than $200,000.00.
The requirement contract shall further provide that the Contractor shall furnish the remainder of the City’s requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified against the contract.

Subconsultant

Percentages

<table>
<thead>
<tr>
<th>Subconsultant</th>
<th>Percentage</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>JDD, Inc.</td>
<td>10.00%</td>
<td>CSB/M $2,500.00</td>
</tr>
</tbody>
</table>

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southern- ington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson and Director Butler.

Resolution No. 167-11.
By Director Cox.
Resolved by the Board of Control of the City of Cleveland, that the bid of Allied Corporation, Inc. for an estimated quantity of Asphalt Concrete, all items including alternate items 2, 3, 4, 5, and 8 for the Division of Streets, Department of Public Works, for the period of 1 year beginning with the execution of a contract, received on March 23, 2011, under the authority of Ordinance No. 6-11, passed February 7, 2011, which on the basis of the estimated quantity would amount to $6,011,250.00, is approved as the lowest and best bid, and the Director of Public Works is requested to enter into a require- ment contract for the goods and/or services, which contractor shall provide for an initial order, the cost of which shall be certified to the Contractor, in aggregate amount of not less than $200,000.00.

Resolutions No. 19-11.
By Director Cox.
Resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction, Inc., for the improvement in the aggregate amount of $188,875.00, is affirmed and approved as the lowest responsible bid and the Director of Public Works is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction, Inc. for the aforementioned public improvement is approved:

Subcontractors

Amount

<table>
<thead>
<tr>
<th>Corporate Floors (other)</th>
<th>$13,365.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carnegie Plastics (CSB/MB)</td>
<td>$152.00</td>
</tr>
<tr>
<td>Work Best Electric (CSB)</td>
<td>$11,900.00</td>
</tr>
</tbody>
</table>

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southern- ington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson and Director Butler.

Resolution No. 170-11.
By Director Rush.
Resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 2076-76, passed by the Cleveland City Council October 25, 2010, under the authority of Ordinance No. 1615-10, passed December 6, 2010, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Midtown Acquisition, LLC for the sale and development of Permanent Parcel Nos. 118-14-019, 118-14-020, 118-14-021 and 118-14-022, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be $489,009.00, which amount is determined to be not less than the fair market value of the parcel as determined by the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southern- ington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson and Director Butler.

Resolution No. 171-11.
By Director Cox.
Resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 2076-76, passed by the Cleveland City Council 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, under the authority of Ordinance No. 1563-10, passed by the Cleveland City Council February 7, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Regina M. Burrell for the sale and development of Permanent Parcel No. 108-15-012, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1563-10, passed by the Cleveland City Council February 7, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Regina M. Burrell for the sale and development of Permanent Parcel No. 108-15-012, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Resolution No. 174-11

By Director Rush.

Whereas, under the authority of Ordinance No. 1563-10, passed by the Cleveland City Council February 7, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Regina M. Burrell for the sale and development of Permanent Parcel No. 108-15-012, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1563-10, passed by the Cleveland City Council February 7, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Regina M. Burrell for the sale and development of Permanent Parcel No. 108-15-012, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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Corporation, lessee, appeal to operate an agricultural product sales stand on a 46' x 144.55' lot in a C2 Multi-Family District; subject to Section 329.01(e) and (f), no agricultural product related products may be sold from the property of an agricultural enterprise in a residential district and no farm stand for the sale of such products may be located on property unless the Board of Zoning Appeals determines, after public notice and hearing, that the farm stand and sales will meet a community need without adversely affecting the neighborhood. In making this determination, the Board shall consider, among others, the following factors:

(A) the nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales;
(B) the proximity of the farm stand to one and two family houses;
(C) traffic volumes on the street where the subject property is located;
(D) availability of off-street or on-street parking to serve the farm stand;
(E) the proximity of other farm stands serving the immediate area; and,
(F) the maintenance of a substantially unobstructed view in the setback area which shall include a clear view through the farm stand above a height of three feet.

Calendar No. 11-51: 5151 Pearl Road
(Ward 13)
White Castle System, Incorporated, owner, appeals to erect a secondary 3'-7" x 3'-11" x 6'-5" high single faced illuminated menu board sign on a corner lot in a C1 Semi-Industry District and pursuant to Section 350.14(c), the allowable square footage for a menu board is 40 square feet and the proposed secondary menu board exceeds the maximum of 6 feet that is allowed.

Calendar No. 11-52: 3255 West 117th Street (Ward 17)
White Castle System, Incorporated, owner, appeals to erect a secondary 3'-7" x 3'-11" x 6'-5" high single faced illuminated menu board sign on a corner lot in a C1 General Retail Business District; the second menu board exceeds the restrictions of Section 350.14(f) that allow only one menu board and a sign height of 6'-5" to be proposed, contrary to the maximum height of 6 feet that is allowed for a menu board sign according to the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 25, 2011

At the meeting of the Board of Zoning Appeals on Monday, April 25, 2011, the following appeals were heard by the Board.

The following appeals were Approved:

Calendar No. 11-42: 4925 East 121st Street
Jihan LLC, owner, and Mahmoud Zayed appealed to change use from a carryout restaurant to a convenience store and gas station proposed to be on consolidated parcels in a Local Retail business District.

Calendar No. 11-47: 11125 Magnolia Drive
The Cleveland Music Settlement appealed from the limitation of 30 days duration to install a temporary tent from May 5 through October 20, 2011.

The following appeal was Denied:

Calendar No. 08-220: 4965 Broadview Road
CSX Railroad owner, and CBS Outdoor and Tim Keaton, tenant, appealed to install automatic changeable copy signs on an existing 14' x 48" and 70 foot high bill board in a General Industry District; on request. Case CV99713005-for evaluation limited to an area variance.

The following appeals were Withdrawn:

None.

The following appeals were Dismissed:

None.

The following appeals were Postponed:


Calendar No. 11-32: 5900 Detroit Avenue postponed to June 6, 2011.

Calendar No. 11-34: 3207 West 65th Street postponed to June 6, 2011.

A Motion for Rehearing was submitted on April 25, 2011 and held pending for the following appeals heard on April 18, 2011:

Calendar No. 10-259: 4300 Bradley Road
W.B. and M.E. Bauman and Bradley Road Incorporated appealed under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordinances from the decision of the Zoning Administrator to deny an application for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

Calendar No. 10-194: 4300 Bradley Road
W.B. and M.E. Bauman and Bradley Road Incorporated appealed for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

Calendar No. 10-260: 4300 Bradley Road
W.B. and M.E. Bauman and Bradley Road Incorporated appealed under Sections 329.01 and 329.04 for a use variance to allow grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

The following appeal heard by the Board on January 24, 2011 was adopted and approved on April 25, 2011.

The following appeal was Approved:

Calendar No. 10-256: 2137-39 West 6th Street
Omar F. Villarreal, owner, and Joe Chura, prospective purchaser, appealed to erect a three-story frame dwelling in a Multi-Family District; approved lot line reconfiguration submitted.

The following appeal heard by the Board on March 21, 2011 was missed and approved on April 25, 2011.

The following appeal was Approved:

Calendar No. 11-26: 3817 Ridge Road
WHR Realty Services, Inc., owner, and Salim Haarouni, tenant, appealed to ad entertainment/dance hall use to a tavern/restaurant in a Semi-Industry District; approved plan for site and landscaping improvement submitted.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 125, City Hall, in accordance with the append- ed 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, There-
fore, any prime contractor wishing to receive credit for using an MBE or joint venture must submit evidence of certification as of MBE or 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 in the solicitation. Failure to comply with the business enterprise code or with representations made on the proposal, August 15, 2011 in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, MAY 11, 2011

File No. 71-11 — Labor and Materials to Paint Poles and Other Street Side Elements, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.


File No. 72-11 — Labor and Materials for Rigging Services, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 859-10, passed by the Council of City of Cleveland, August 18, 2010.


THURSDAY, MAY 19, 2011

File No. 63-11 — Water Pollution Control Building Storm Water Management Improvements Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 810, passed by the Council of City of Cleveland, April 12, 2010.

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

THERE WILL BE A MANDATORY PRE-BID MEETING TUESDAY, MAY 3, 2011 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

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

File No. 64-11 — Office Supplies 2011 (Re-bid), for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 887-10, passed by the Council of City of Cleveland, August 15, 2010.


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

File No. 65-11 — Quicklime, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.


File No. 66-11 — Pipe Repair Claims, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.


File No. 67-11 — Purchase of Various Types of Safety Equipment Required for OSHA/PERP Compliance (Re-bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 897-10, passed by the Council of City of Cleveland, August 10, 2010.


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

File No. 68-11 — Neutralization Chemicals (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, MAY 4, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 69-11 — Labor and Materials Necessary to Inspect, Test, Maintain and Repair Elevators
ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 543-11.
By Council Member Kelley.

An emergency resolution with- drawing objection to the renewal of a D1, D2, D3 and DIA Liquor Permit at 3314 Broadway Road, 1st floor and basement, and Resolution No. 1107-10, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and DIA Liquor Permit to 3314 Broadway Road, 1st floor and basement, as Resolution No. 1107-10 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 renew- al; and

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

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

Section 1. That objection to a D1, D2, D3 and DIA Liquor Permit to N Yuk N Yuk’s Bar & Grill, Inc., DIA N Yuk N Yuk’s, 3314 Broadway Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 4483695 be and the same is hereby withdrawn and Resolution No. 1107-10 containing such objection, be and the same is hereby repealed and that this Council consents to the immedi- ate 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 imme- diately 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 April 18, 2011.
Effective April 21, 2011.

Res. No. 553-11.
By Mayor Jackson and Council Member Zone.

An emergency resolution establishing a Citywide taskforce to 1) plan how the City of Cleveland facilities will accept and dispose of phone books in a way that reduces waste and encourages recycling, 2) educate residents on ways to stop the delivery of unwanted phone books, 3) study the economic benefits that phone books provide to the small and mid-sized businesses of Cleveland, and 4) study if legislative solutions are needed to reduce the volume of unwanted phone books and the costs associated with disposing of phone books.

Whereas, unwanted phone books create a tremendous amount of waste and cost Cleveland approximately $77,000 in 2010 to dispose of 1,100 tons of phone books in landfills; and

Whereas, in an age when the internet is used increasingly as a method of information-gathering, phone books continue to provide small and mid-sized Cleveland busi- nesses with an effective means of promoting their businesses and pro- viding vital information to con- sumers; and

Whereas, similar to other opt-out programs with which consumers are familiar, the phone book industry has a website, yellowpagesoptout.com as a single site that per- mits citizens to stop future directo- ry deliveries; and

Whereas, individual publisher efforts to reduce waste have resulted in sig- nificant reductions in paper usage over the past four years; and

Whereas, this resolution is hereby directed to transmit copies of this resolution to Governor John Kasich and all members of the Ohio legis- lature.

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 imme- diately 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 April 18, 2011.
Effective April 21, 2011.

The City Record
April 27, 2011
Ord. No. 744-10.
By Council Member Keane.
An ordinance changing the Use District of lands on the north and south sides of Lorain Avenue between West 150th Street and West 165th Street from General Retail Business to Local Retail Business (Map Change No. 2004; Sheet No. 12).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Lorain Avenue at its intersection with the northerly prolongation of the centerline of West 165th Street;

Thence southerly along said northerly prolongation of said centerline to its intersection with the southwesterly prolongation of the northwesterly line of Sublot No. 3 in the Pasadena Park Subdivision shown on the recorded plat in Volume 43, Page 25 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said northwesterly line and continuing along its northeasterly prolongation through the northwesterly lines of Sublots 70, 77 and 146 of the aforementioned Pasadena Park Subdivision to its intersection with the southwesterly line of the Westland Heights Subdivision shown on the recorded plat in Volume 69, Page 18 of Cuyahoga County Map Records;

Thence northwesterly along said southwesterly line to its intersection with the northwesterly line of Sublot No. 4 in the aforementioned Westland Heights Subdivision;

Thence northeasterly along said northwesterly line and along its northeasterly prolongation to its intersection with the centerline of West 158th Street;

Thence northwesterly along said centerline of West 158th Street to its intersection with the southwesterly prolongation of the northwesterly line of Sublot Number 44 in the Westland Heights Subdivision shown on the recorded plat in Volume 49, Page 19 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said northwesterly line to its intersection with the northwesterly line thereof;

Thence southeasterly along said northeasterly line to its intersection with the northwesterly line of Sublot Number 51 in the aforementioned Westland Heights Subdivision;

Thence northeasterly along said northwesterly line and along its northeasterly prolongation to its intersection with the centerline of West 157th Street;

Thence southeasterly along said centerline of West 157th Street to its intersection with the southwesterly prolongation of the centerline of Milsky Road;

Thence northeasterly along said southwesterly prolongation of said centerline to its intersection with the southwesterly prolongation of the northwesterly line of Sublot Number 139 in the aforementioned Westland Heights Subdivision;

Thence northeasterly along said southwesterly prolongation of said northwesterly line to its intersection with the northerly line thereof;

Thence southeasterly along said northeasterly line to its intersection with a line drawn 150 feet southeasterly of and parallel to the southerly line of Lorain Road;

Thence northeasterly along said parallel line to its intersection with the westerly line of a parcel of land conveyed to Raymond G. Herzberger by deed dated December 5th, 1988 and recorded in Auditor's File Number V88863340028, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 025-33-003;

Thence southeasterly along said westerly line and along its southeasterly prolongation to its intersection with the northerly line of a parcel of land conveyed to Raymond G. Herzberger by deed dated December 5th, 1988 and recorded in Auditor's File Number V88863340028, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 025-33-003;

Thence northeasterly along said northwesterly line and along its northeasterly prolongation to its intersection with the southwesterly prolongation of the southerly line of Sublot Number 9 in the aforementioned Alger Subdivision Number 2 part of Cuyahoga County Auditor's Permanent Parcel Number 025-33-003;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the northerly line of Sublot Number 12 in the aforementioned Alger Subdivision Number 2, said parcel also being known as Cuyahoga County's Permanent Parcel Number 025-33-037;

Thence northerly along said northerly line and along its northerly prolongation to its intersection with the northwesterly line of Sublot Number 4 in the aforementioned Alger Subdivision Number 2,

Thence easterly along said northerly line and along its northerly prolongation to its intersection with the northerly line of a parcel of land conveyed to Raymond G. Herzberger by deed dated December 5th, 1988 and recorded in Auditor's File Number V88863340028, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 025-33-003;

Thence southerly along said westerly line to its intersection with the centerline of Triskett Road;

Thence northerly along said centerline of Triskett Road to its intersection with the centerline of Rockport Avenue;

Thence northeasterly along said southerly prolongation of said centerline to its intersection with the northwesterly prolongation of the northwesterly line of Sublot Number 24 in the Hermann Sixt Subdivision shown on the recorded plat in Volume 43, Page 20 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said northwesterly line to its intersection with the northeasterly line thereof;

Thence southeasterly along said northwesterly line to its intersection with the southwesterly line thereof;

Thence westwesterly along said southeasterly line to its intersection with the northerly line of Sublot No. 25 in the aforementioned Herman Sixt Subdivision;
Thence southeasterly along said northeasterly line to its intersection with the southeasterly line thereof; Thence southwesterly along said southeasterly line and along its southwesterly prolongation to its intersection with the centerline of West Park Avenue; Thence northwesterly along said centerline of West Park Avenue to its intersection with a line drawn approximately 100 feet from and parallel to the southeasterly line of Sublot No. 3 in the W.D. Sixt Subdivision Not Recorded; Thence southwesterly along said parallel line to its intersection with the southwesterly line of the aforementioned W.D. Sixt Subdivision; Thence northwesterly along said southeasterly line to its intersection with the southwesterly prolongation of the aforementioned Sublot No. 3 in the W.D. Sixt Subdivision; Thence southeasterly along said southeasterly line and along its southwesterly prolongation to its intersection with the northeasterly prolongation of the southerly line of Sublot No. 15 in the Fischer Allotment shown on the recorded plat in Volume 63, Page 38 of Cuyahoga County Map Records; Thence southeasterly along said northeasterly prolongation of said southerly line and along its southwesterly prolongation to its intersection with the centerline of West 159th Street; Thence northerly along said centerline of West 159th Street to its intersection with the northeasterly prolongation of the northerly line of a parcel of land conveyed to Lorain Realty Co. by deed dated February 10, 1998 and recorded in Auditor’s File Number V98013530003, said parcel also being known as Cuyahoga County’s Permanent Parcel Number 025-17-033; Thence southerly along said northeasterly prolongation and said northerly line to its intersection with the westerly line of the Fischer Allotment shown on the recorded plat in Volume 63, Page 38 of Cuyahoga County Map Records; Thence northerly along said westerly line to its intersection with the northerly line of a parcel of land conveyed to Lorain Realty Co. by deed dated February 10, 1998 and recorded in Auditor’s File Number V98013530003, said parcel also being known as Cuyahoga County’s Permanent Parcel Number 025-17-032; Thence westerly along said northerly line to its intersection with the westerly line thereof; Thence southerly along said westerly line to its intersection with the northerly line of a parcel of land conveyed to Lorain Realty Co. by deed dated February 10, 1998 and recorded in Auditor’s File Number V98013530003, said parcel also being known as Cuyahoga County’s Permanent Parcel Number 025-17-033; Thence southerly along said centerline of West 165th Street and along its southerly prolongation to its intersection with the centerline of Lorain Road; Thence north easterly along said centerline of Lorain Road to the principal place of beginning; and as shaded on the attached map is changed to Local Retail Business.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2304, Sheet No. 12 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
Ord. No. 745-10.
By Council Member Keane.
An ordinance establishing a Pedestrian Retail Overlay (PRO) District the north and south sides of Lorain Road between West 178th Street and West 150th Street (Map Change No. 2303, Sheet Number 12).

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

Section 1. That the lands located on the north and south sides of Lorain Road between West 178th Street and West 150th Street shown shaded and outlined on the attached exhibit are hereby designated as a Pedestrian Retail Overlay District (PRO).

Section 2. That the designation of the area described in Section 1 shall be identified as Map Change Number 2303, Sheet Number 12, noted on the Building Zone Maps of the City of Cleveland, on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Ord. No. 1568-10.
By Council Member Cummins.

An ordinance to change the Use District of land on the south side of Seymour Avenue west of Fulton Road from Two Family Residential to Local Retail Business. (Map Change No. 2340; Sheet No. 1).

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

Section 1. That the Use District of lands bounded and described as follows:
Beginning in the centerline of Fulton Road at its intersection with the centerline of Seymour Avenue;
Thence westerly along said centerline of Seymour Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 459 in the Stone Addition shown on the recorded plat in Volume 1, Page 41 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 007-20-007;
Thence southerly along said northerly prolongation of said westerly line and continuing along its southerly prolongation to its intersection with the centerline of Erin Avenue;
Thence easterly along said centerline of Erin Avenue to its intersection with the centerline of Fulton Road;
Thence northerly along said centerline of Fulton Road to its intersection with the centerline of Seymour Avenue and the principal place of beginning;
and as shaded on the attached map is changed to Local Retail Business.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2340, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
Ord. No. 18-11.
By Council Member Miller.
An ordinance to change the Use District of land located on the south side of Saint Clair Avenue between Eddy Road and E. 123rd Street from Shopping Center to Local Retail and Institutional Research. (Map Change No. 2343; Sheet No. 8).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Saint Clair Avenue at its intersection with the centerline of Eddy Road;

Thence easterly along said centerline of Saint Clair Avenue to its intersection with the northerly prolongation of the easterly line of Sublot Number 1 in the Speedway Park Subdivision shown on the recorded plat in Volume 40, Page 12 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County’s Permanent Parcel Number 110-04-008;

Thence southerly along said northerly prolongation and said easterly line to its intersection with the southerly line thereof;

Thence westerly along said northerly prolongation and said easterly line to its intersection with the centerline of Eddy Road;

Thence northerly along said centerline of Eddy Road to its intersection with the centerline of Saint Clair Avenue and

the principal place of beginning;
and as indicated on the attached map is changed to Local Retail Business.

Section 2. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Eddy Road at its intersection with the westerly prolongation of the southerly line of Sublot 1 in the Speedway Park Subdivision as shown on the recorded plat in Volume 40, Page 12 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County’s Permanent Parcel Number 110-04-008;

Thence easterly along said southerly line to its intersection with the easterly line thereof;

Thence northerly along said easterly line and along its northerly prolongation to its intersection with the centerline of Saint Clair Avenue;

Thence easterly along said centerline of Saint Clair Avenue to its intersection with the centerline of East 123rd Street;

Thence southerly along said centerline of East 123rd Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 99 in the aforementioned Speedway Park Subdivision, said parcel also being known as Cuyahoga County’s Permanent Parcel Number 110-04-086;

Thence westerly along said easterly prolongation of said southerly line and along its westerly prolongation to its intersection with the centerline of Eddy Road;
Thence northerly along said centerline of Eddy Road to its intersection with the westerly prolongation of the southerly line of Sublot 1 in the Speedway Park Subdivision said intersection also being the principal place of beginning; and as indicated on the attached map is changed to Institutional Research.

Section 3. That the changed designation of lands described in Section 1 and Section 2 shall be identified as Map Change No. 2343, Sheet No. 8 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
Ord. No. 222-11.
By Council Members Cleveland and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of City Planning to make alterations and modifications in Contract No. CT 4002 PI 2010-34 with R.W. Clark Company for the former Coast Guard Station roof replacement project, for the Department of City Planning.
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 City Planning is authorized to make the following alterations and modifications in Contract No. CT 4002 PI 2010-34 with R.W. Clark Company, for the former Coast Guard Station roof replacement project, for the Department of City Planning:
Subsidiary Additions
Special inspection of the steel required by OBBC
$1,539.00
Additional costs to demolish and dispose of refuse remaining inside the Quarters Building
$1,202.91
Additional glazing for rear Tower windows
$515.00
Total Subsidiary Additions
$3,256.91
Original Contract Amount
$515,225.00
REVISED CONTRACT AMOUNT
$518,481.91
which alteration has been recommended in writing by the Director of City Planning, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of City Planning and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of $3,692.91 to be paid from Fund Nos. 20 SF 457 and 20 SF 391, Request No. RQS 0110, RL 2011-7.
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 April 18, 2011.
Effective April 21, 2011.

Ord. No. 219-11.
By Council Members Miller and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Ohio Department of Natural Resources for the 2011 Community Development Grant (Drop Off) Program; and authorizing the Director to enter into one or more contracts with various agencies and entities 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 Works is authorized to apply for and accept a grant in the amount of $50,000 from the Ohio Department of Natural Resources, for the 2011 Community Development Grant (Drop Off) Program, for the purposes in the summary and according thereto; that the Director of Public Works is authorized to file all papers and execute all documents necessary to receive the funds under the grant; that the funds are appropriated for the purposes set forth in the summary for the grant.
Passed April 18, 2011.
Effective April 18, 2011.

Ord. No. 91-11.
By Council Members J. Johnson, Miller, Cleveland, Sweeney, Polansek, Brancatielli, Cimmerman, Conwell, McKinley, Dow, K. Johnson, Keane, Kelley, Mitchell, Brady, Pruitt, Reed, Westbrook, Allison, and Field (by departmental request).
An emergency ordinance designating that portion of South Marginal Road extending from East 55th Street easterly to its terminus as “Dick Goddard Way” as a secondary and honorary designation.
Whereas, it is most fitting and appropriate to recognize Dick Goddard for his years of dedicated service to the citizens of Cleveland; 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 portion of South Marginal Road extending from East 55th Street easterly to its terminus as “Dick Goddard Way” as a secondary and honorary designation.
Passed April 18, 2011.

Ord. No. 01-11.
By Council Members Miller and Cleveland, Sweeney, Polanski, Brancatielli, Cimmerman, Conwell, and Field (by departmental request).
An emergency ordinance establishing a landfill, transfer station and/or materials recovery facility for a term of one year or a term of years, with three-year options to renew.
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 Works for a term of one year or a term of years, with three-year options to renew.
Passed April 18, 2011.
Effective April 21, 2011.
purchased by the Commissioner of Purchases and Supplies on a unit basis. The Director of Division of Waste Collection and Disposal, Department of Public Works, shall have the authority to purchase on a unit basis, in accordance with the provisions of Section 3.

The City Record

The City of Cleveland, by the Council of the City, in full session, do pass and ordain, and by these presents, that the following acts be, and the same is hereby, made and done, to-wit:

Section 1. That this ordinance shall be in force and effect from and after the date of its passage and approval by the Mayor, and shall be in force for a period of two years, with one-year options to renew, instead of one year, with three one-year options to renew, when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be the result of additional legislative authority, or if the ordinance creates an emergency measure, the ordinance shall be declared to be an emergency measure upon its passage and approval by the Mayor.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works may require that each bid be accompanied by a single bond securing both execution and performance. If a single-year initial term is selected, then the second option to renew shall require additional legislative authority, or if a two-year initial term is selected, then the first and third options to renew shall require additional legislative authority. The Director shall notify this Council of the decision to execute or to forego exercising any option for the districts determined by the Director of Public Works.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition form for contract or contracts certified by the Director of Finance. (RQN 4003, RL 2011-6)

Whereas, by letter dated March 10, 2011, the City provided the Cleveland Metropolitan School District ("CMSD") with a notice of proposed tax exemptions required by Section 5709.85 of the Revised Code. That notice was provided to the CMSD not later than fourteen days prior to adoption of this ordinance; and

WHEREAS, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area, which is in the City of Cleveland and described in File No. 848-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Revised Code; and

BID GUARANTEE AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the

(Name and Address) as Principal

(Name of Surety) as Surety

are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penalty sum herein stated, per

taining to the bid submitted by the Principal to the Obligee on (date) to undertake the project known

The penal sum referred to herein shall be

For the payment of the penal sum well and truly to be paid, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event that the Principal pays to the Obligee the difference not to exceed ten percent of the penal sum hereinafter stated, the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the submission, of printing, new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the award of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agree the undersigned that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this ___ day of ___, 20___.

PRINCIPAL: SURETY:

BY: BY: Attorney-in-Fact

TITLE: SURETY COMPANY ADDRESS:

Agency Name Street

City State ZIP

April 27, 2011

The City Record

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The City of Cleveland, by the Council of the City, in full session, do pass and ordain, and by these presents, that the following acts be, and the same is hereby, made and done, to-wit:

Section 1. That this ordinance shall be in force and effect from and after the date of its passage and approval by the Mayor, and shall be in force for a period of two years, with one-year options to renew, instead of one year, with three one-year options to renew, when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be the result of additional legislative authority, or if the ordinance creates an emergency measure, the ordinance shall be declared to be an emergency measure upon its passage and approval by the Mayor.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works may require that each bid be accompanied by a single bond securing both execution and performance. If a single-year initial term is selected, then the second option to renew shall require additional legislative authority, or if a two-year initial term is selected, then the first and third options to renew shall require additional legislative authority. The Director shall notify this Council of the decision to execute or to forego exercising any option for the districts determined by the Director of Public Works.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition form for contract or contracts certified by the Director of Finance. (RQN 4003, RL 2011-6)

WHEREAS, by letter dated March 10, 2011, the City provided the Cleveland Metropolitan School District ("CMSD") with a notice of proposed tax exemptions required by Section 5709.85 of the Revised Code. That notice was provided to the CMSD not later than fourteen days prior to adoption of this ordinance; and

WHEREAS, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area, which is in the City of Cleveland and described in File No. 848-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Revised Code; and
The recipient of financial assistance authorized by this legislation shall be prerequisite to providing free, in-kind assistance to create and preserve job opportunities and shall be consistent with the economic development in the City of Cleveland, and the assistance is immediate, necessary jobs or jobs will be lost; now, therefore, the ordinance constitutes an emergency measure providing for the immediate preservation of the public health and safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 1. That this Council approves the application of the Enterprise Zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for real property improvements located at 6900 and 7000 Euclid Avenue; provided that if the project site does not become certified to the LEED Silver* within three years of the effective date of this ordinance, then the abatement will cease to 60% for the remaining three years of the ten-year period; the abatement is subject to the conditions necessary for job opportunities.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 421-11-B. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. The Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code, which fees are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited in and expended from Fund No. 17 SP 305.

Section 5. That the contract and other documents required to complete the transaction authorized by this legislation shall be prepared and executed by the Director of Law.

Section 6. That any contract authorized by this legislation must require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board in the Cleveland Area Enterprise Zone No. 3 to identify and solicit qualified candidates for job opportunities related to the contracts. The identification process shall place special emphasis on the hard to employ, including those who are disabled, and those who have been convicted of or who have pled guilty to a criminal offense related to the duties of the job opportunity.

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


Ord. No. 497-11.
By Council Members Miller, Cleveland and Sweaney (by departmental request).

An emergency ordinance to appropriate improvements along the public property located on the west side of East 93rd Street between Heath and St. Catherine Avenues for the public purpose of widening a public road in connection with extending Bessemer Avenue Ordinance No. 878-10, passed August 18, 2010, relating to the Bessemer Avenue extension.

Whereas, the County of Cuyahoga, State of Ohio, determined that the Zone contains the characteristics described in division (A) of Section 5709.41 of the Revised Code, and certifies the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code.

Whereas, Midtown Acquisition, LLC, or its designee (the "Enterprise" or "Developer") is proposed to redevelop a large vacant building at 6900 and 7000 Euclid Avenue in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would not create a competitive disadvantage at this location if taxes on certain real property improvements located at 6900 and 7000 Euclid Avenue were not abated; and

Whereas, st. Catherine Avenue at Station 92 + 46.59.

Thence North 00 degrees 09 minutes 25 seconds East a distance of 200.00 feet along the northerly Right of Way of East 88th Street to a point in the centerline of Right of Way of St. Catherine Avenue at Station 92 + 26.

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet for the prolongation of the centerline of Right of Way of West St. Catherine Avenue to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.59.

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet from of center of Right of Way of St. Catherine Avenue at Station 90 + 14.15, and being 20.00 feet right of the centerline of Right of Way of East 88th Street at Station 92 + 46.59.

Thence North 4 degrees 15 minutes 29 seconds West a distance of 116.20 feet along the southerly Right of Way of East 88th Street to a point in Grantor's southerly line, said point being Grantor's southwesterly corner, said point also being the northwesterly corner of the land conveyed to the City of Cuyahoga County Records as recorded in Volume 15192, Page 637.

Thence South 89 degrees 14 minutes 41 seconds East a distance of 16.02 feet along the northerly line of land so conveyed and Grantor's southerly line to a point in a proposed Right of Way being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 79.70 and the TRUE POINT OF BEGINNING.

Thence North 04 degrees 15 minutes 29 seconds West a distance of 120.24 feet along said proposed Right of Way to a point in the southerly line of land conveyed to Tennyson Properties Co. and being of said City of Cleveland Land Utilization Program as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 32 + 99.44.

Thence North 89 degrees 14 minutes 41 seconds East a distance of 16.03 feet along the southerly line of land so conveyed to said Tennyson Properties Co. land so conveyed to a point 41.00 feet right of centerline of Right of Way of East 88th Street at Station 32 + 98.96.

Thence South 07 degrees 54 minutes 34 seconds East a distance of 120.87 feet to a point in Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed, being 48.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 78.29.

Thence South 89 degrees 14 minutes 41 seconds West a distance of 23.04 feet along Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed to the TRUE POINT OF BEGINNING.

Parcelling:

TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 16 – T1

Thence North 00 degrees 09 minutes 25 seconds East a distance of 200.00 feet along the northerly Right of Way of East 88th Street to a point in the centerline of Right of Way of St. Catherine Avenue at Station 92 + 26.

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet for the prolongation of the centerline of Right of Way of West St. Catherine Avenue to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.59.
The above described area contains 2345 square feet (0.054 acres), more or less, which is part of the Cuyahoga County Auditor’s Permanent Parcel Number 127-13-028, Volume 14802, Page 657 of Cuyahoga County Records Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0242, and O.M. 0518.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 16 - T2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440 and being more particularly described as follows:

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue located on the west side of East 88th Street at Station 34+78.38; and

Thence South 29 degrees 50 minutes 19 seconds East along the northerly line of land so conveyed and Grantor’s westerly line a distance of 5.25 feet to a point of curvature 17.27 feet right of centerline of Right of Way of East 88th Street at Station 34+82.64; and

Thence continuing north along the northerly line of land so conveyed and Grantor’s westerly line southwesterly to a point in a curve deflecting to the left, having a radius of 543.24 feet, a central angle of 01 degrees 42 minutes 04 seconds, a chord length of 22.64 feet to the TRUE POINT OF BEGINNING.

Thence North 04 degrees 15 minutes 39 seconds East a distance of 44.31 feet along said proposed Right of Way to a point in Grantor’s northerly line and the northerly line of said City of Cleveland, Ohio “Land Reutilization Program” as recorded in Volume 5986, Page 024 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 34+49.02; and

Thence South 05 degrees 57 minutes 22 seconds East a distance of 22.65 feet along Grantor’s northerly line and the northerly line of said land conveyed, being 26.56 feet right of centerline of Right of Way of East 88th Street at a distance of 120.24 feet along the northerly Right of Way of St. Catherine Avenue, being 20.00 feet along the centerline of Right of Way of St. Catherine Avenue at Station 34+49.02.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 16 - WDI

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440 and being more particularly described as follows:

Commencing at an iron pin monument in the centerline of Right of Way of East 88th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue located on the west side of East 88th Street at Station 34+78.38; and

Thence North 04 degrees 15 minutes 39 seconds East a distance of 44.31 feet along said proposed Right of Way to a point in Grantor’s northerly line and the northerly line of said City of Cleveland, Ohio “Land Reutilization Program” as recorded in Volume 5986, Page 024 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 34+49.02; and

Thence South 05 degrees 57 minutes 22 seconds East a distance of 22.65 feet along Grantor’s northerly line and the northerly line of said land conveyed, being 26.56 feet right of centerline of Right of Way of East 88th Street at Station 34+49.02; and

Thence continuing north along the northerly line of land so conveyed and Grantor’s westerly line southwesterly to a point in a curve deflecting to the left, having a radius of 543.24 feet, a central angle of 01 degrees 42 minutes 04 seconds, a chord length of 22.64 feet to the TRUE POINT OF BEGINNING.

The above described area contains 461 square feet (0.011 acres), more or less, which is part of the Cuyahoga County Auditor’s Permanent Parcel Number 127-13-030.

Grantor claims title by instrument(s) of record in Volume 79842, Page 047, Cuyahoga County Recorder’s Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0242, and O.M. 0518.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as “Bessemer Avenue Extension Phase II A” on file with Cuyahoga County. This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.
Thence North 89 degrees 14 minutes 14 seconds West a distance of 10.02 feet along Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed, being 20.00 feet right of centerline of Right of Way of East 88th Street at Station 31+79.70.

Thence South 89 degrees 14 minutes 14 seconds West a distance of 22.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in Grantor's northerly line and the southerly line of said City of Cleveland Land Utilization Program land so conveyed, being 20.00 feet left of centerline of Right of Way of East 88th Street at Station 31+68.49; and being part of Original 100 Acre Surveyor No. 6950 in November of 2007.

The above described area contains 120.25 acres (56626 m²), more or less, of which the present road occupies 0 square feet (0.000 acres), more or less, which is part of the City of Cleveland Land Utilization Program so conveyed and Grantor's westerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed and Grantor's westerly line, said point also being the northwesterly corner of East 88th Street at Station 34+82.64; and being part of Original 100 Acre Surveyor No. 6950 in November of 2007.

TO BE CONVEYED TO THE CITY OF CLEVELAND

The City Record

April 27, 2011

Section 3. That the Director of Law is directed to apply to a court of competent jurisdiction to have a survey, accompanied to make inquiry into and assess the compensation to be paid for the fee simple interests and easements described.

Section 4. That Ordinance No. 875-10, passed August 18, 2010 is repealed.

An emergency ordinance to appropriate a temporary easement and property for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southeast corner of East 88th Street and St. Catherine Avenue; and to repeal Ordinance No. 875-10, passed September 13, 2010, relating to the Bessemer Avenue extension.

Ord. No. 498-11.

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

An emergency ordinance to appropriate a temporary easement and property for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southeast corner of East 88th Street and St. Catherine Avenue; and to repeal Ordinance No. 875-10, passed September 13, 2010, relating to the Bessemer Avenue extension.

The description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, Registered Professional Surveyor No. 6950.

Section 3. That the Director of Law is directed to apply to a court of competent jurisdiction to have a survey, accompanied to make inquiry into and assess the compensation to be paid for the fee simple interests and easements described.

Section 4. That Ordinance No. 875-10, passed August 18, 2010 is repealed.

Section 5. That this ordinance is declared to be an emergency measure and shall take effect 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 of Charles H. Murphy, Registered Professional Surveyor No. 6950.

Passed April 18, 2011.
Effective April 18, 2011.
for the usual daily operation of a municipal department; now, therefore,

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

Section 3. That for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southeasterly corner of East 88th Street and St. Catherine Avenue, the following temporary easement is appropriated:

TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND

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

This description is based on a survey made by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007 and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

April 27, 2011 The City Record
Thence South 89 degrees 15 minutes 35 seconds West a distance of 152.60 feet along Grandor's westerly line, the southerly line of said Sub Lot 8 and the northerly line of said Sub Lot 8 and Grandor's southerly corner being 10.91 feet right of centerline of Right of Way of East 88th Street 28+52.055.

Thence North 04 degrees 15 minutes 29 seconds West a distance of 52.60 feet along Grandor's westerly line and the easterly Right of Way of East 88th Street to a point there-in, said point being the southwest-erly corner of land conveyed to the City of Cleveland Lt. 239, recorded in the Cleveland Land Reutilization Program as recorded in Volume 15290, Page 37 of Cuyahoga County Recorder's Office.

Thence North 07 degrees 33 minutes 02 seconds West a distance of 129.19 feet along the centerline of Right of Way of Union Avenue, also being the northerly line of said 100 Acre Lot 448, to a point of intersection with the westerly Right of Way of East 88th Street, being in the centerline of Sub Lot 8 and the westerly line of Sub Lot 10 in said J. Paton Allotment as recorded in Volume 83504, Page 659, Cuyahoga County Recorder's Office.


An emergency ordinance to appro-priate certain public property for the purpose of widening Bessemer Avenue (defined as the southwest corner of East 88th Street and Union Avenue) and to repeal Ordinance No. 501-10, relating to the Bessemer Avenue exten-sion.

Whereas, the Council of the City of Cleveland, by Resolution No. 726-10, adopted June 7, 2010, declared the necessity and intention of appro-priating the fee simple property interests described in this ordinance for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southwest corner of East 88th Street and Union Avenue; and

Whereas, the apportionment of this resolution has been served on the persons in possession or having an interest therein; and

Whereas, this ordinance consti-tutes an emergency measure provid-ing for the usual daily operation of a municipal department; now, there-fore,

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

Section 1. That for the public pur-pose of widening a public road in connection with extending Bessemer Avenue, located near the southwest corner of East 88th Street and Union Avenue, the following fee simple property interests are appropriated:

TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 10-WD

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 448, also being part of Sub Lot 8 in the J. Paton Allotment as recorded in Map Volume 12, Page 31 of Cuyahoga County Records and being more particularly described as follows:

Commencing in the centerline of Right of Way of Union Avenue at its intersection with the prolonga-tion of the centerline of Right of Way of East 88th Street, being in the centerline of Sub Lot 8 and the westerly line of Sub Lot 10 in said J. Paton Allotment as recorded in Volume 83504, Page 659, Cuyahoga County Recorder's Office, and being part of Original 100 Acre Lot 448, also being part of Sub Lot 8 and the westerly line of Sub Lot 10 in said J. Paton Allotment as recorded in Volume 83504, Page 659, Cuyahoga County Recorder's Office.

Section 3. 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 fee simple interests and easement described above.

Section 4. That Ordinance No. 880-10, passed September 13, 2010 is re-pealed.

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

Passed April 18, 2011.

Effective April 18, 2011.
TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND

PARCEL 19-T1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of Original 100 Acre Lot No. 439 and part of Original 100 Acre Lot No. 443, said point being Grantor's northeasterly corner, said point also being referenced by an iron pin monument at an angle point in the existing centerline of Bessemer Avenue, South 89 degrees 54 minutes 46 seconds east a distance of 20.00 feet and being 49.17 feet left of the centerline of Right of Way of Bessemer Avenue at Station 154+71.63.

Thence North 89 degrees 39 minutes 46 seconds east a distance of 46.25 feet along the centerline of Right of Way of Bessemer Avenue to a point being Grantor's northwesterly point, said point also being the northeasterly corner of land conveyed to Bessemer Real Estate Holdings, LLC at 25.00 feet right of the centerline of Right of Way of Bessemer Avenue at Station 150+73.16 and the TRUE POINT OF BEGINNING.

Thence South 89 degrees 48 minutes 39 seconds along the centerline of Right of Way of Bessemer Avenue to a point of curvature in a proposed Right of Way 25.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 150+74.19.

Thence along said proposed Right of Way 67.26 feet along the arc of a curve deflecting to the right, having a radius of 152.24 feet, a central angle of 77 degrees 45 minutes 29 seconds, a chord bearing of South 87 degrees 54 minutes 46 seconds, a chord of 129.71 feet along the existing centerline of Bessemer Avenue at Station 151+77.63.

Thence North 89 degrees 39 minutes 49.22 feet along said proposed Right of Way to a point in the southerly corner of Bessemer Avenue at Station 155+04.34.

Thence South 89 degrees 48 minutes 39 seconds along the centerline of Right of Way of Bessemer Avenue to a point of curvature in a proposed Right of Way 25.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 150+75.45.

Thence North 89 degrees 48 minutes 39 seconds along the centerline of Right of Way of Bessemer Avenue to a point of curvature in a proposed Right of Way 25.00 feet along Grantor's westerly line to the TRUE POINT OF BEGINNING.

The above described area contains 7365 square feet (0.17 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-06-09 and 06-007 and contains 6498 square feet (0.148 acres), more or less, in Auditor's Permanent Parcel Number 127-06-009 and 06-007 and contains 893 square feet (0.021 acres), more or less, in Auditor's Permanent Parcel Number 127-06-007.

Grantee claims title by instrument(s) of record in AFN No. 200700104529, Cuyahoga County Recorder's Office.

The above described area is located in or near a servitude along the centerline of Right of Way of Bessemer Avenue as found on the plans known as “Bessemer Avenue Extension Phase IIA” on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor.

DLZ Ohio, Inc.

Section 2. That the Director of Public Service is hereby authorized and directed, for the usual daily operation of the persons in possession or having legal title to, the following described property, or any part thereof, situated within the City of Cleveland, herein described:

Avenue, Street and Bessemer Avenue, are for the usual daily operation of the persons in possession or having legal title to, the following described property or any part thereof:

The persons in possession or having legal title to, the following described property or any part thereof:

The persons in possession or having legal title to, the following described property or any part thereof:
This description is based on a field survey conducted by DLZ Ohio, Inc. under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007. DLZ Ohio, Inc.

TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA, STATE OF OHIO and being part of Original 100 Acre Lot No. 440 and being more particularly described as follows:

Commencing at the intersection of existing centerline of Right of Way of Bessemer Avenue and the westerly line of said Original 100 Acre Lot No. 440, said point being Granor's northeasterly corner, said point being referenced by an iron pin monument at an angle point in the existing centerline of Bessemer Avenue South 89 degrees 39 minutes 46 seconds east a distance of 33.00 feet along 49.17 feet left of the centerline of Right of Way of Bessemer Avenue at Station 151+90.84;

Thence South 00 degrees 05 minutes 05 seconds 26 seconds West a distance of 513.60 feet to the centerline of said Original 100 Acre Lot No. 440 and Granor's easterly line to a point in the easterly Right of Way of Bessemer Avenue, said point being 31.50 feet left of the centerline of Right of Way of Bessemer Avenue at Station 151+91.45;

Thence South 00 degrees 05 minutes 05 seconds 26 seconds West a distance of 208.24 feet along the westerly Right of Way of Bessemer Avenue, the westerly line of said 100 Acre Lot No. 440 and Granor's easterly line to a point of curvature, said point being 62.88 feet right of the centerline of Right of Way of Bessemer Avenue at Station 151+93.81;

Thence southeasterly along Granor's easterly line and Bessemer Right of Way of 98.02 feet along the arc of a curve deflection to the left, having a radius of 5876.50 feet, a central angle of 00 degrees 08 minutes 55 seconds, a chord length of 57 minutes 57.55 seconds East and a chord length of 15.00 feet to a point of tangency, said point being 33.00 feet left of the centerline of Right of Way of Bessemer Avenue at Station 151+93.81;

Thence North 03 degrees 41 minutes 36 seconds West of Right of Way a distance of 15.00 feet to the TRUE POINT OF BEGINNING.

The above described area contains 1126 square feet (0.26 acres), more or less, which is part of Cuyahoga County. Auditor's Permanent Parcel Number 127-06-1126.

Thence North 09 degrees 39 minutes 46 seconds West a distance of 654.85 feet along the southerly Right of Way of Bessemer Avenue to a point in the easterly Right of Way of Bessemer Avenue, said point being in the easterly line of land conveyed to Bessemer Real Estate Holdings, LLC by Grantor, by a deed recorded in AFN No. 20061103873 of Cuyahoga County Records, Cuyahoga County Recorder's Office.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950. DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

Section 2. That for the public purpose of widening a public road in connection with extending Bessemer Avenue, the following described highway easement, located near the southwest corner of East 88th Street and Bessemer Avenue, is appropriated:

EASEMENT FOR HIGHWAY PURPOSES TO BE CONVEYED TO THE CITY OF CLEVELAND

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA, STATE OF OHIO and being part of Original 100 Acre Lot No. 439 and being more particularly described as follows:

Beginning at the intersection of existing centerline of Right of Way of Bessemer Avenue and the easterly line of said Original 100 Acre Lot No. 439, said point being Granor's northeasterly corner, said point also being an iron pin monument at an angle point in the existing centerline of Bessemer Avenue South 89 degrees 39 minutes 46 seconds east a distance of 20.00 feet and 49.17 feet left of the centerline of Right of Way of Bessemer Avenue at Station 151+77.83 and the TRUE POINT OF BEGINNING;

Thence South 00 degrees 05 minutes 05 seconds 26 seconds East a distance of 20.00 feet along the easterly line of said 100 Acre Lot No. 439, Granor's easterly line and the westerly Right of Way of Bessemer Avenue to a point in a proposed Right of Way of 19.88 feet right of Bessemer Avenue at Station 153+22.59;

Thence South 09 degrees 23 minutes 52 seconds West a distance of 49.22 feet along said proposed Right of Way of 37.24 feet right of curve 20.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 152+73.34;

Thence along said proposed Right of Way of 99.90 degrees 22 minutes 52 seconds West a distance of 49.22 feet along said proposed Right of Way of 99.90 degrees 22 minutes 52 seconds West a distance of 20.00 feet right of centerline of Bessemer Avenue at Station 152+73.34;

That the Director of Law is directed to apply to a court of competent jurisdiction to have a
A green ents

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lowing schedule:

of the bargaining unit under the fol-

the salaries and wages for members

period from April 1, 2010 through

March 31, 2013, and which provides,

contained in File No. 527-11-A, for the

Chief Dispatchers, under the terms

allowed by law.

Patrolmen's Benevolent Association –

bargaining agreement with the Ohio

City of Cleveland:

immediately upon its passage and

shall take effect and be in force

the members elected to Council, it

affirmative vote of two-thirds of all

批准 by the Mayor; otherwise it

declared to be an emergency measure

provides, among other things, for an increase in

in salaries and wages for members of

in force from and after the earliest period

and approval by the Mayor; otherwise it

shall take effect and be in force

of Section 4117.10 of the Revised Code,

Chair; J. Johnson, Keane. Authorized

Be it ordained by the Council of the

City of Cleveland:

Section 1. That under division (B) of

Section 4117.10 of the Revised Code,

City Council:

...
Banners
West 65th St. (south of Detroit Ave. & north of Franklin Blvd.) — May 15 to June 14 —
Gordon Square Farmers’ Market (Ward 15) (O 569-11)

Bids
Bids for print and mailing services for Cleveland City Council (O 556-11)

Board of Control — Aging Department
Senior Day 2011 at Public Auditorium — May 12, 2011 — free of charge — exception to BOC
Res. 117-03 — Dept. of Public Works (BOC Res. 167-11)

Board of Control — City Hall
Office renovations — per Ord. 485-07, 1163-08, 1389-09 to Envirocom Construction, Inc. —
Dept. of Public Works (BOC Res. 169-11)

Board of Control — Community Development Department
1563-10 (BOC Res. 173-11)

Board of Control — Land Reutilization Program
1563-10 (BOC Res. 173-11)

Board of Control — Port Control Department
Learning and development services for custodial service section — per Ord. 1404-07 to HLH

Board of Control — Professional Service Contracts
CIS and Billing system consulting services — amend Contract #68167 per BOC Res. 291-08 —
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