

The City Record

Official Publication of the Council of the City of Cleveland



October the Fifteenth, Two Thousand and Eight

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	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Mamie J. Mitchell
7	Stephanie Howse
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	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. Pruitt	3877 East 189th Street	44122
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	Stephanie Howse	1804 East 93rd Street	44106
8	Sabra Pierce Scott	1136 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
Debra Linn Talley, Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106
Karen E. Martines, Law Librarian, Room 100

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

DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, 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, Interim Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – John Christopher Nielson, Commissioner
Water Pollution Control – Ollie Shaw, Commissioner

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

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

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 1925 St. Clair Ave.
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director
Cleveland Convention Center, Clubroom A, 1220 East 6th Street
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Parking Facilities – Leigh Stevens, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Park Maintenance and Properties – Richard L. Silva, Commissioner
Public Auditorium – East 6th Street and Lakeside Avenue
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
Recreation – Kim Johnson, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
Burke Lakefront Airport

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connally, Hillary S. Taylor.

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

FAIR HOUSING BOARD – Charles See, Chair; _____, Vice Chair; Daniel Conway, Doris Honsa, Lisa Camacho.

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Laura M. Bala, Chair; Jennifer Coleman, Vice Chair; Robert N. Brown, Council Member Joe Cimperman, Thomas Coffey, Robert Jackimowicz; Ari Maron, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary.

AUDIT COMMITTEE – Robert Rawson, Chairman; Yvette Ittu, Debra Janik, Bracy Lewis, Don Neebes, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

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

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

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

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WEDNESDAY, OCTOBER 15, 2008

No. 4949

CITY COUNCIL

MONDAY, OCTOBER 13, 2008

The City Record

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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

2006-2009

MONDAY—Alternating

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chair; White, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Pruitt.

9:30 A.M. — **Health & Human Services Committee:** Brancatelli, Chair; Cleveland, Vice Chair; Conwell, Kelley, Mitchell, Reed, Santiago.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Pruitt, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, White.

11:00 A.M. — **Legislation Committee:** Cleveland, Chair; Keane, Vice Chair; Cimperman, Howse, Pierce Scott, Reed, White.

MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Coats, Conwell, Keane, Pierce Scott, Westbrook, White, Zone.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Pierce Scott, Chair; Brancatelli, Vice Chair; Brady, Cimperman, Cummins, Coats, Howse, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action & Training Committee:** Coats, Chair; Santiago, Vice Chair; Conwell, Cummins, Johnson, Mitchell, Polensek.

WEDNESDAY—Alternating

10:00 A.M. — **Aviation & Transportation Committee:** Kelley, Chair; Keane, Vice Chair; Brancatelli, Cleveland, Howse, Mitchell, Westbrook.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Brady, Vice Chair; Coats, Cummins, Kelley, Mitchell, Polensek, Pruitt, Santiago.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cleveland, Cummins, Keane, Kelley, Polensek, Santiago, Westbrook.

1:30 P.M. — **City Planning Committee:** Cimperman, Chair; Westbrook, Vice Chair; Conwell, Howse, Keane, Reed, Zone.

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

Rules Committee: Sweeney, Chair; Cleveland, Kelley, Pierce Scott, Polensek.

Personnel and Operations Committee: Westbrook, Chair; Kelley, Mitchell, Pierce Scott, Santiago, Sweeney, White.

Mayor's Appointment Committee: Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 13, 2008

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

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Howse, Johnson, Keane, Kelley, Mitchell, Pierce Scott, Polensek, Pruitt, Reed, Sweeney, Westbrook, White and Zone.

Also present were Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Valerie J. McCall, Chief of Government Affairs; Chris Warren, Chief of Regional Development; Monyka S. Price, Chief of Education; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; Debra Linn Talley, Director of Office of Equal Opportunity; and Directors Triozzi, Dumas, Smith, Wasik, Carroll, Cox, Rush, Hutchinson, Fumich and Griffin.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor James A. Maye of Pilgrim Church of Christ,

located in Ward 8. Pledge of Allegiance.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1573-08.

Re #560990 — D2, D2X, D3, D3A, D6 Transfer of Ownership and Location Application — Lastrada, LLC, 2050 East 4th Avenue. (Ward 13). Received.

File No. 1574-08.

Re #11643550005 — D21, D2, D6 Transfer of Ownership and Location Application — C E A M Investment Corp., d.b.a. Constantinos Market, 1278 West 9th Street, Unit 599 (Ward 13). Received.

File No. 1575-08.

Re #170931180005 — C2, C2X, D6 Transfer of Ownership and Location Application — Convenient Food Mart, Inc. 348, d.b.a. Convenient Food Mart, 4701 Storer Avenue. (Ward 14). Received.

File No. 1576-08.

Re #5216808 — D1, D2, D3, D3A Transfer of Ownership Application — Mexico Lindo Restaurant & Lounge, LLC., d.b.a. Mexico Lindo Restaurant & Lounge, 4250 Pearl Road (Ward 15). Received.

File No. 1577-08.

Re #6430286 — D5, D6 Stock Transfer Application — NOBSB, Inc., d.b.a. West Park Village Tavern, 15715 Lorain Avenue. (Ward 21). Received.

File No. 1578-08.

Re #27594040001 — D5 Transfer of Location Application — NOBSB, Inc., d.b.a., West Park Village Tavern, 15715 Lorain Avenue. (Ward 21). Received.

PLAT

File No. 1579-08.

Council Member Mitchell (Ward 6). Dedication for widening of at East 93rd Street and Quincy Avenue. Referred to Directors of City Planning and Public Service; Committees on Public Service and City Planning. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1580-08—Arneita Lynette Parker.

Res. No. 1581-08—Katherine Crump Shanklin.

Res. No. 1582-08—Nonnie B. Burney.

CONGRATULATION RESOLUTIONS

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

Res. No. 1583-08 — Pastor Jerome Curtis Davis.

Res. No. 1584-08—East Technical High School.

APPRECIATION RESOLUTION

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

Res. No. 1585-08 — Bishop Azel C. Colston, Sr.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1554-08.**

By Council Member Sweeney (by departmental request).

An emergency ordinance approving the Tax Incentive Review Council's Year 2007 recommendations.

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

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

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

Whereas, under division (D) of Section 5709.88 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; and

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

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

Section 1. That the TIRC's Year 2007 recommendations contained in File No. 1554-08-A are approved.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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

Ord. No. 1555-08.

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to execute a Second Amendment to the Official Quitclaim Deed to Cleveland Hospitality Partners, Ltd. and authorizing the director of Community Development and the Commissioner of Purchases and Supplies to execute a Cancellation of Option to Purchase with Courthouse Plaza Partners, Ltd., both for the public purpose of redevelopment of certain property by the General Services Administration.

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

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

Section 1. That the Director of Community Development and the Commissioner of Purchases and Supplies are authorized to enter into and execute a Second Amendment to the Official Quitclaim Deed, releasing Cleveland Hospitality Partners, Ltd. from its obligation to develop certain property at the intersection Superior Avenue, West 9th Street and West Huron Road (the "Property") and that Director of Community Development and the Commissioner of Purchases and Supplies are authorized to enter into and execute a Cancellation of Option to Purchase, with Courthouse Plaza Partners, Ltd. both for the public purpose of redevelopment of the Property by the General Services Administration.

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

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

Ord. No. 1556-08.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to MRN Ltd. to encroach into the public right-of-way of East 4th Street by installing, using, and maintaining 13 planters.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to MRN Ltd. ("Permittee"), 2057 East 4th Street, Cleveland, OH 44115, to encroach into the public right-of-way of East 4th Street by installing, using, and maintaining 13 freestanding stainless steel sidewalk planters, 10 inches in width, 31 inches in length, and 22 inches in height, at the following locations:

5 planters at 2007 East 4th Street
3 planters at 2071 East 4th Street
5 planters at 402 Euclid 4th Street

The sidewalk planters shall be placed between existing light poles, 22 inches away from the curb, outside of the main flow of pedestrian traffic, and shall not be proximate to or obstructing pedestrian passage through any building exit doors.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

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

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

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

Ord. No. 1557-08.

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

An emergency ordinance to amend the title, Section 1, Section 4, and Section 7 of Ordinance No. 649-08, passed July 2, 2008, relating to authorizing the Director of Parks, Recreation and Properties to apply for and accept grants from the State of Ohio to assist with the acquisition of real property needed for the

Flats East Bank Project; and authorizing various agreements with the Wolstein Group, Inc. and The Flats East Development LLC to implement the project.

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

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

Section 1. That the title, Section 1, Section 4, and Section 7 of Ordinance No. 649-08, passed July 2, 2008, are amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept **grants** from the State of Ohio to assist with the acquisition of real property needed for the Flats East Bank Project; authorizing a project agreement with The Wolstein Group, Inc. and The Flats East Development LLC relating to the acquisition of property; authorizing a cooperative agreement with the State of Ohio, The Wolstein Group, Inc. and The Flats East Development LLC relating to the project; and authorizing the Commissioner of Purchases and Supplies to purchase the subject property.

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept **grants** in the amount **up to \$1,733,333**, from the State of Ohio to assist with the acquisition of property needed for the Flats East Bank Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 4. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment of the Flats East Bank:

**0.4647 ACRE PARCEL OF LAND
(PARK AREA)**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Alfred Kelley's Subdivision of Original Two Acre Lot Numbers 191-193 inclusive, as recorded in Volume M, page 484 of Cuyahoga County Records;

Beginning at a one inch iron pin monument found in at the center line intersection of Main Avenue, 40 feet wide, and Old River Road, 66 feet wide, of which said monument bears South 55° 38' 38" West, 404.06 feet from a one inch iron pin monument found at the center line intersection of said Main Avenue, 40 feet wide, and the traveled roadway of West 10th Street;

Thence North 71° 42' 36" West along the center line of Old River Road, 66 feet wide, a distance of 109.40 feet to a point therein;

Thence South 18° 09' 34" West, a distance of 110.81 feet to a point on the westerly line of land now or formerly owned by Flats East Development

LLC, Permanent Parcel Number 101-11-021, as recorded by AFN 200009180713 of Cuyahoga County Deed Records, and the Principal Place of Beginning of the land intended to be described herein;

Thence continuing South 18° 09' 34" West along said westerly line of Flats East Development LLC, a distance of 43.62 feet to the northerly dock line of the Cuyahoga River, as established by Ordinance Number 31,283, passed March 4, 1901, and the southwesterly corner thereof;

Thence North 76° 24' 14" West along said northerly dock line of the Cuyahoga River, a distance of 295.03 feet to an angle point;

Thence North 73° 32' 38" West continuing along said northerly dock line of the Cuyahoga River, a distance of 104.05 feet to an angle point;

Thence North 73° 00' 12" West continuing along said northerly dock line of the Cuyahoga River, a distance of 137.34 feet to an angle point;

Thence North 66° 02' 17" West continuing along said northerly dock line of the Cuyahoga River, a distance of 88.63 feet to an angle point;

Thence North 55° 19' 17" West continuing along said northerly dock line of the Cuyahoga River, a distance of 0.88 feet to the southeasterly corner of land now or formerly owned by the Flats East Development LLC, Permanent Parcel Number 101-11-014;

Thence North 18° 11' 54" East along the easterly line of said Flats East Development LLC, Permanent Parcel Number 101-11-014, a distance of 25.56 feet to a point therein;

Thence South 71° 54' 03" East, a distance of 357.97 feet to a point on the southerly line of land now or formerly owned by Flats East Development LLC, Permanent Parcel Number 101-11-017;

Thence along the arc of a curve deflecting to the right, and having a radius of 265.34 feet, a central angle of 06° 36' 34", a tangent of 15.32 feet, a chord of 30.59 feet which bears North 57° 12' 28" East, a distance of 30.61 feet to a point of curve;

Thence along the arc of a curve deflecting to the left, and having a radius of 400.00 feet, a central angle of 36° 03' 14", a tangent of 130.18 feet, a chord of 247.57 feet which bears South 75° 05' 58" East, a distance of 251.70 feet to the Principal Place of Beginning, and containing 0.4647 acre (20,244 Square Feet) of land, be the same more or less, but subject to all legal highways and easements of record.

Prepared By: GPD ASSOCIATES
Project No. 2008002.00
June 24, 2008

**LEGAL DESCRIPTION
OF A
0.1499 ACRE PARCEL OF LAND
(PARK AREA)**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of the Bath Street Tract and vacated Front Avenue (formerly Bath Street) by Ordinance No. 84601, dated September 17, 1928, and a part of Front Avenue vacated by Ordinance No.

2736-33, dated February 9, 1954, and a part of Original Lot No. 191 in Alfred Kelley's Subdivision of part of Original Two Acre Lot Numbers 191-193 inclusive, as recorded in Volume "M", page 484 of Cuyahoga County Deed Records, and also being further bounded and described as follows:

Beginning at a one inch iron pin monument found at the center line intersection of Main Avenue, 40 feet wide, and Old River Road, 66 feet wide, of which said monument bears South 55° 39' 06" West, 404.06 feet from a one inch iron pin monument found at the center line intersection of said Main Avenue, 40 feet wide, and the traveled center line of West 10th Street;

Thence North 71° 42' 07" West along the center line of Old River Road, 66 feet wide, a distance of 733.12 feet to a point therein;

Thence South 18° 12' 23" West, and passing over an iron pin set on the southerly line of Old River Road, 33.00 feet therefrom, per survey by Norman Hoovler, Registered Ohio Surveyor No. 8259, dated Feb. 27, 2008, a total distance of 150.44 feet to a point in the easterly line of land now or formerly owned by Flats East Development LLC, Permanent Parcel Number 101-11-014, as recorded by AFN 200710010843 of Cuyahoga County Deed Records, said point also being the TRUE POINT OF BEGINNING for the land hereinafter described, thence clockwise along the following twelve courses and distances;

1. Thence South 18° 12' 23" West continuing along said easterly line of Flats East Development LLC, a distance of 25.56 feet to an iron pin per survey, as aforementioned, on the northeasterly dock line of the Cuyahoga River as established by Ordinance Number 31,283 passed Mardi 04, 1901, and the southeasterly corner of said Permanent Parcel Number 101-11-014;

2. Thence North 55° 18' 42" West along said northeasterly dock line of the Cuyahoga River, and along the southerly line of said Flats East Development LLC, a distance of 71.57 feet to an angle point;

3. Thence Northerly 47° 35' 14" West continuing along said northeasterly dock line of the Cuyahoga River, and along said southerly line of said Flats East Development LLC, a distance of 62.30 feet to a point on the easterly line of land owned by Flats East Development LLC, Permanent Parcel Number 101-01-010 as recorded by AFN 200806110605 of Cuyahoga County Deed Record;

4. Thence South 65° 41' 41" West continuing along said northeasterly dock line of the Cuyahoga River, and along said easterly line of said Flats East Development LLC, a distance of 2.29 feet to an angle point, and the southeasterly corner of said Permanent Parcel Number 101-01-010;

5. Thence North 50° 26' 21" West continuing along said northeasterly dock line of the Cuyahoga River and along said southerly line of said Flats East Development LLC, a distance of 35.65 feet to an angle point;

6. Thence North 30° 03' 14" West continuing along said northeasterly dock line of the Cuyahoga River,

and along said southerly line of said Flats East Development LLC and its northwesterly prolongation, a distance of 100.10 feet to the northwesterly corner of land now or formerly owned by Flats East Development LLC, Permanent Parcel Numbers 101-01-007 and 009, as recorded by AFN 200710010843 of Cuyahoga County Deed Records;

7. Thence North 62° 05' 48" East along the northerly line of said Flats East Development LLC, a distance of 25.02 feet to a 5/8 inch iron pin to be set with cap, "GPD", at an angle point;

8. Thence South 30° 03' 14" East, a distance of 3.17 feet to a 5/8 inch iron pin to be set with cap, "GPD", at an angle point;

9. Thence South 50° 26' 21" East, a distance of 15.57 feet to a 5/8 inch iron pin to be set with cap, "GPD", at an angle point;

10. Thence North 65° 41' 41" East a distance of 3.17 feet to a 5/8 inch iron pin to be set with cap, "GPD", at an angle point;

11. Thence South 47° 35' 14" East, a distance of 80.74 feet to a 5/8 inch iron pin to be set with cap "GPD", at an angle point;

12. Thence South 55° 18' 42" East, a distance of 59.00 feet to the True point of Beginning and containing 0.1499 acre (6,531 Square Feet) of land, more or less, and subject to all easements, restrictions, and covenants of record.

Basis of Bearing is the Ohio State Plane Coordinate System Grid North, North Zone, NAD 83.

LEGAL DESCRIPTION OF A

0.1611 ACRE PARCEL OF LAND (PARK AREA)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part Original Lot Number 193 of part of Alfred Kelley's Subdivision of Original Two Acre Lot Numbers 191-193 inclusive, as recorded in Volume M, page 484 of Cuyahoga County Records, and a part of Original Lot Number 194, and also being further bounded and described as follows:

Beginning at a one inch iron pin monument found at the center line intersection of Main Avenue, 40 feet wide, and Old River Road, 66 feet wide, of which said monument bears South 55° 39' 06" West, 404.06 feet from a one inch iron pin monument found at the center line intersection of said Main Avenue, 40 feet wide, and the traveled center line of West 10th Street;

Thence North 71° 42' 07" West along the center line of Old River Road, 66 feet wide, a distance of 109.40 feet to a point therein;

Thence South 18° 10' 03" West, and passing over an iron pin found on the southerly line of said Old River Road, 33.00 feet therefrom, a total distance of 110.81 feet to a 5/8 inch iron pin to be set with cap, "GPD", on the easterly line of land now or formerly owned by Flats East Development LLC, Permanent Parcel Number 101-11-020, said point also being the TRUE POINT OF BEGINNING for the area of land hereinafter described, thence clockwise along the following six courses and distances;

1. Thence along the arc of a curve deflecting to the left and having a radius of 400.00 feet, a central angle of 13° 51' 11", a tangent of 48.59 feet, a chord of 96.48 feet which bears North 79° 57' 19" East, a distance of 96.71 feet to a 5/8 inch iron pin to be set with cap, "GPD", at a point of curve;

2. Thence along the arc of a curve deflecting to the right and having a radius of 275.00 feet, a central angle of 07° 35' 09", a tangent of 18.23 feet, a chord of 36.38 feet which bears South 32° 47' 11" East, a distance of 36.41 feet to a 5/8 inch iron pin to be set with cap, "GPD" on the westerly line of land owned by Flats East Development LLC, Permanent Parcel Number 101-13-036, as recorded by AFN 200804290435 of Cuyahoga County Deed Records;

3. Thence South 18° 23' 03" West along said westerly line of Flats East Development LLC, a distance of 56.59 feet to the northeasterly dock line of the Cuyahoga River, as established by Ordinance Number 31,283 passed March 04, 1901, and the southeasterly corner of Flats East Development LLC, (formerly thirty feet wide Main Avenue parcel, as recorded by AFN 200806110605 of Cuyahoga County Deed Records;

4. Thence North 73° 28' 39" West along said northeasterly dock line of the Cuyahoga River, and along said southerly line of Flats East Development LLC, a distance of 30.02 feet to the southeasterly corner of land owned by Flats East Development LLC, Permanent Parcel Number 101-11-021, as recorded by AFN 200710010853 of Cuyahoga County Deed Records;

5. Thence North 77° 55' 19" West continuing along said northeasterly dock line of the Cuyahoga River, and along said southerly line of Flats East Development LLC, Permanent Parcel Number 101-11-021, a distance of 83.53 feet to an iron pin set at an angle point per a survey dated Feb. 27, 2008, by Norman Hoover, Registered Ohio Surveyor No. 8259, of U.R.S. Corporation;

6. Thence North 18° 10' 03" East, a distance of 43.62 feet to the True Point of Beginning, and containing 0.1611 acre (7,017 Square Feet) of land, more or less, and subject to all easements, restrictions, and covenants of record.

Basis of Bearing is the Ohio State Plane Coordinate System Grid North, North Zone, NAD 83.

Joseph R. Ciuni, P.S.

Professional Surveyor, Ohio No. 7394
GPD ASSOCIATES

Section 7. That all costs of acquisition of land shall be paid from the fund or funds to which are credited the proceeds of the grants accepted under this ordinance and from grant funds accepted under Ordinance No. 1829-05, passed October 17, 2005 and deposited into Fund No. 20 SF 629.

Section 2. That the existing title, Section 1, Section 4, and Section 7 of Ordinance No. 649-08, passed July 2, 2008, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

Referred to Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 1558-08.

By Council Members Brancatelli, Pierce Scott, Cimperman and Swenee (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 7411 Ottawa Avenue, for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Slavic Village Development, or its designee, which is not needed for public use.

Whereas, in an effort to expand its partnership with local governments in helping foster housing opportunities for low to moderate income families, the United States Department of Housing and Urban Development (HUD) has introduced the Good Neighbor Program; and

Whereas, the Good Neighbor Program facilitates the sale of aged HUD inventory of single family homes to local governments for One Dollar (\$1.00); and

Whereas, the Director of Community Development has notified HUD of its desire to participate in the Program and has requested the purchase of property located at 7411 Ottawa Avenue for \$1.00 for future redevelopment; and

Whereas, the Director of Community Development has requested the sale of the property to Slavic Village Development Corporation, or its designee, (the "Redeveloper") for the public purpose of future redevelopment of the property; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment:

PPN: 133-19-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 138 in Burke, Worley and Webster's Subdivision of part of Original One Hundred Acre Lot No. 315, as shown by the recorded plat in Volume 7 of Maps, Page 2 of Cuyahoga County Records, as appears by and plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary doc-

uments to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall not exceed \$1.00, and other valuable consideration, determined to be fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14.

Section 5. That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

Section 6. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for \$1.00, and other valuable consideration, which is determined to be fair market value by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 7. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1561-08.

By Council Members Brady, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Rock and Roll Hall of Fame to provide economic development assistance to partially finance the 2009 Induction Ceremony.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with

the Rock and Roll Hall of Fame to provide economic development assistance to partially finance the 2009 Induction Ceremony.

Section 2. That the costs of the grant shall not exceed an amount of \$1,000,000 and shall be paid from Fund No. 17 SF 652, Request No. 185923.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 1562-08.

By Council Members Cimperman and Zone.

An emergency ordinance repealing Section 347.02 of the Codified Ordinances of the Cleveland, Ohio, 1976, as amended by Ordinance No. 1470-06, passed December 11, 2006, relating to restrictions on location of stables, poultry enclosures and other enclosures and supplementing the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.02 thereof, relating to restriction on the keeping of farm animals and bees

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 existing Section 347.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1470-06, passed December 11, 2006 is hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 347.02 thereof, to read as follows:

Section 347.02 Restrictions on the Keeping of Farm Animals and Bees

(a) Purpose. The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents

nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

(b) Poultry, Pigeons, Rabbits and Similar Animals. The keeping of poultry, pigeons, rabbits and similar animals, and enclosures for the keeping of such animals, shall be governed by the following regulations.

(1) In Residential Districts. In Residential Districts, the following regulations shall apply.

A. Number. No more than six (6) such animals may be kept on a parcel of land that is 4,800 square feet or less in area. One additional such animal may be kept for each additional five hundred (500) square feet of parcel area in excess of 4,800 square feet.

B. Setbacks. The enclosures or coops housing such animals may not be located in front yard or side street yard areas and shall not be located within eighteen (18) inches of a property line nor within five (5) feet of a dwelling on another parcel nor within five (5) feet of the permitted placement of a dwelling on an adjoining vacant parcel. No animals shall be kept in required front yard areas.

C. Prohibitions. No roosters may be kept in a Residential District except on a parcel that is at least one (1) acre in area and only if the enclosure for the rooster(s) is at least one hundred (100) feet from all property lines. For parcels greater than one (1) acre in area, one (1) additional rooster may be kept for each 24,000 square feet in excess of one (1) acre. No predatory birds may be kept on any property.

D. Enclosures, Coops and Cages.

All animals shall be provided with a covered, predator-proof house, coop or cage that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals. In addition, chickens and other poultry shall have access to an outdoor uncovered enclosure adequately fenced to contain the birds and to prevent access by dogs and other predators and providing at least nine (9) square feet of area for each bird.

E. Fences. Any yard area in which animals are kept shall be enclosed by a permitted fence at least six (6) feet in height in rear yard and interior side yard areas and sufficient to contain animals on the subject property.

(2) In Non-Residential Districts.

In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of such animals shall be limited to one (1) animal for each two hundred (200) square feet of lot area.

(c) Horses, Cows, Goats and Similar Animals. The keeping of horses, cows, goats and similar animals, and enclosures for the keeping of such animals, shall be governed by the following regulations.

(1) In Residential Districts. In Residential Districts, no horses, cows, goats or similar size animals shall be kept on a parcel of land less than 24,000 square feet in area.

For a parcel that is at least 24,000 square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional 2,400 square feet of area. Stables or other enclosures for such animals shall not be permitted in front yards or in side street yards and shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

(2) In Non-Residential Districts. In zoning districts other than Residential Districts, no horses, cows, goats or similar size animals shall be kept on a parcel of land less than 14,400 square feet in area. For a parcel that is at least 14,400 square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional 1,200 square feet of area. Stables or other enclosures for such animals shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

(d) Bees. The keeping of bees, and associated beehives, shall be governed by the following regulations.

(1) In Residential Districts. In Residential Districts, the following regulations shall apply.

A. Number. No more than one (1) beehive shall be kept for each 2,400 square feet of lot area.

B. Location and Setbacks. No beehive shall be kept closer than five (5) feet to any lot line, and no beehive shall be kept in a required front yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.

C. Fences and Shrubs. Any yard area in which a beehive is placed shall be enclosed by a solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.

D. Water Supply. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

(2) In Non-Residential Districts. In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of beehives shall be limited to one (1) for each 1,000 square feet of lot area.

(e) Sanitation and Nuisances. Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and mice so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

(f) Animal or Bird Noise. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.

(g) Registration. Anyone keeping farm animals or bees on a property in the City of Cleveland shall register the activity with the City of Cleveland through its Department of Public Health on a form provided by that office. The registration shall expire at the end of each calendar year and shall be renewed annually during November or December. The registration shall include information on the location of the subject property, the size of the property, the number of animals or bee hives being kept on the property, the nature of any enclosures, a drawing showing the location of enclosures and fences, and any other information items listed on the registration form, as well as a signed statement by the applicant that he or she agrees to abide by the regulations of this section of the Zoning Code with respect to the keeping of farm animals and bees.

(h) Building Permits. No enclosure for farm animals and no bee hives shall be installed without the issuance of a Building Permit by the City of Cleveland through its Department of Building and Housing, except for enclosures that are less than ten (10) square feet in area. Such enclosures and beehives shall be located in accordance with the regulations of this section.

(i) Variances. The Board of Zoning Appeals may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this section.

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

Referred to Directors of Public Health, City Planning Commission, Finance, Law; Committees on Health and Human Services, City Planning, Legislation, Finance.

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 1563-08.

By Council Member Cimperman and Mitchell.

An emergency resolution urging the Jackson Administration to adopt the 2008 Food Charter and to work

with Cuyahoga County in order to promote regional economic development and food security for our neighborhoods, and to champion a local food system that secures the right of all residents to adequate amounts of safe, nutritious, culturally acceptable foods.

Whereas, according to a 2008 study by the Ohio State University Extension, the residents of Northeast Ohio spend an estimated \$9.2 billion annually on food; and

Whereas, current market demand for fruits and vegetables consumed in the household alone is estimated to be valued at \$563 million, while current regional demand for meat consumed in the household is valued at just over \$1 billion; and

Whereas, very few of these dollars support local farmers or local food businesses; and

Whereas, food access is a growing problem for many urban neighborhoods in Cleveland and Cuyahoga County; and

Whereas, according to a Cuyahoga County Planning Commission assessment in 2008, fast food is 4.5 times more accessible than larger-scale supermarkets in Cleveland and 3 times more accessible throughout the county; and

Whereas, because 14% of county households and 25% of City households do not own a vehicle and 34 out of 36 Cleveland neighborhoods have 25% or more households receiving food stamps or other food assistance, it is essential that the City and the County work together to ensure that all residents have access to an adequate supply of nutritious, affordable, locally-grown and culturally appropriate foods; and

Whereas, locally produced healthy foods have the benefits of reducing climate impacts of distance-shipped or highly processed foods, increasing urban greenspace and community gathering spaces, fostering stronger connections between urban and rural communities and strengthening the local and regional economy; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

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

Section 1. That this Council urges the Jackson Administration to adopt the 2008 Food Charter and to work with Cuyahoga County in order to promote regional economic development and food security for our neighborhoods, and to champion a local food system that secures the right of all residents to adequate amounts of safe, nutritious, culturally acceptable foods.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the Cuyahoga Board of County Commissioners.

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

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

Referred to Director of Law; Committees on Health and Human Services, Finance.

Res. No. 1564-08.

By Council Member Cimperman.

An emergency resolution establishing a food purchasing and contracting policy for the City of Cleveland that promotes regional economic growth, regional collaboration, environmental sustainability, and food security through the support of regional food growers and producers.

Whereas, the food system is a major component of the regional economy with residents spending an estimated \$9 billion dollars a year annually on food; and

Whereas, the "regional economy" includes a nine county region including Cuyahoga, Ashtabula, Geauga, Lake, Portage, Summit, Wayne, Medina, and Lorain; and

Whereas, Ohio Governor Strickland's Executive Order 2007-27S to create a Ohio Food Policy Advisory Council states that "increasing the percentage of food grown, processed, and consumed in Ohio will provide significant financial benefits to the entire State;" and

Whereas, the "locally grown" can be defined as food grown within 150 miles the City of Cleveland; and

Whereas, the Greater Cleveland region has a strong agricultural heritage and food growing capacity; and

Whereas, the City of Cleveland has an emerging urban agriculture small business sector; and

Whereas, urban agriculture is a small business development opportunity and strong component of urban neighborhood revitalization; and

Whereas, Cleveland Mayor Frank Jackson's Urban Agenda states a need to "support sustainable revitalization of urban neighborhoods and business districts;" and

Whereas, the City of Cleveland recently established the "Gardening for Greenbacks" program that assists small urban farm development through a forgivable grant program; and

Whereas, the City of Cleveland adopted the Fanny Lewis Resident Employment Law that established the City's commitment to enter contracts that support the employment of local residents; and

Whereas, purchasing locally grown foods supports regional businesses; and

Whereas, a strong regional economy benefits the residents of Cleveland; and

Whereas, Cleveland Mayor Frank Jackson's letter of support for the UN Global Compact states that "we challenged our local businesses to buy local to help support the local economy, protect the environment, and support local jobs;" and

Whereas, the City of Cleveland is a active member of the International Council for Local Environmental Initiatives-Local Governments for Sustainability to promote citywide sustainable development practices; and

Whereas, purchasing locally grown food will reduce the City's carbon footprint by reducing the distance that food travels from farm to plate; and

Whereas, building a stronger local food supply is essential for regional self reliance and emergency preparedness; and

Whereas, the City of Cleveland ought to act as a model for local purchasing policies that support regional business development and economic growth; and

Whereas, the City of Cleveland will work with the Cleveland - Cuyahoga County Food Policy Coalition to establish a local food purchasing policy that supports local growers and producers; and

Whereas, current food contracts will be reviewed by the City and its vendors to acknowledge any current local buying patterns and to explore voluntary local procurement options moving forward until contract terms are up for review; and

Whereas, future contracts that include the purchase of food signed by the City of Cleveland will mandate a local food purchasing component consistent with goals set by the City of Cleveland and the Cleveland-Cuyahoga Food Policy Coalition; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

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

Section 1. That this Council hereby establishes a food purchasing and contracting policy for the City of Cleveland that promotes regional economic growth, regional collaboration, environmental sustainability, and food security through the support of regional food growers and producers.

Section 2. That the Clerk is hereby directed to send certified copies of this resolution to representatives of the Cleveland-Cuyahoga County Food Policy Coalition.

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

Referred to Director of Law; Committees on Health and Human Services, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1559-08.

By Council Member Cleveland.

An emergency ordinance designating the portion of Scovill Avenue from East 55th Street to East 61st Street as "Scarab Way" as a secondary and honorary designation.

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 Scovill Avenue from East 55th Street to East 61st Street shall also be known as "Scarab Way" as a secondary and honorary designation.

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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1560-08.

By Council Member Mitchell.

An emergency ordinance designating the portion of East 93rd Street from Chester Avenue to Euclid Avenue as "Cleveland Clinic Boulevard" as a secondary and honorary designation.

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 East 93rd Street from Chester Avenue to Euclid Avenue as "Cleveland Clinic Boulevard" as a secondary and honorary designation.

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.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1565-08.

By Council Member Sweeney.

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1671-05, passed September 12, 2005, to change the name of the contracting party from West Services, Inc. to Thomson Reuters and adding one more option to renew for an additional one year period.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1671-05, passed September 12, 2005, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Clerk of Council to enter into an amendment or amendments to City Contract No. 60428 with **Thomson Reuters** to provide the professional services necessary to update, print, index and bind a cumulative supplement or supplements to the Codified Ordinances, including alternative formats and internet accessibility, and to provide a review, comparison and update of Parts IV and VI of the Codified Ordinances to conform with amendments made to the Ohio Revised Code.

Section 1. That the Clerk of Council is authorized to enter into an amendment or amendments to City Contract No. 60428 with **Thomson Reuters** to provide the professional

services necessary to update, print, index and bind a cumulative supplement or supplements to the Codified Ordinances, including alternative formats and internet accessibility, and to provide a review, comparison and update of Parts IV and VI of the Codified Ordinances to conform with amendments made to the Ohio Revised Code. Such amendment shall commence upon execution of the amendment and be for a period of one year with **four** options exercisable by the Clerk of Council, to renew all or any portion of these services for additional one-year periods, and cancelable upon thirty days written notice by said Clerk of Council.

Section 2. That the existing Title and Section 1 of Ordinance No. 1671-

05, passed September 12, 2005, are hereby repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1567-08.

By Council Member Zone.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Detroit Shoreway Community Development Organization to encroach into the public rights-of-way above West 73rd Street, West 74th Street, and West 76th Street with 10 banners to be attached to 5 Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Detroit Shoreway Community Development Organization ("Permittee"), 6516 Detroit Avenue Cleveland, Ohio 44102, to encroach into the public rights-of-way above West 73rd Street, West 74th Street, and West 76th Street by installing, using, and maintaining 10 banners to be attached to 5 Cleveland Public Power utility poles (by separate permission), at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
East side of West 73rd Street 1st Pole North of Detroit Avenue	348100	CPP
West 73rd Street/Herman Avenue	EOM 3 54	CPP
West 74th Street/Rutledge Avenue	34886	CPP
East side of West 76th Street 1st Pole North of Detroit Avenue	32356	CPP
East side of West 76th Street By pedestrian Tunnel	No Tag	CPP

Section 2. That Permittee may assign the permit only with the written consent of the Director of Public Service. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1572-08.**By Council Member Johnson.**

An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (Delores Castro).

Whereas, pursuant to Section 675.08 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, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 4: Delores Castro at Martin Luther King Drive and Buckeye Road and also at Kinsman Road and East 93rd Street.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1568-08.

By Council Members Cimperman, White, Brady, Keane, Pierce Scott, Westbrook, Polensek, Brancatelli, Howse, Zonc, Conwell, Sweeney, Coats and Mitchell.

An emergency resolution strongly urging all City of Cleveland residents to vote YES on State Issue 5 to preserve a rate cap on payday lenders.

Whereas, payday loans are designed to trap people in a cycle of repeat borrowing; and

Whereas, the interest on a typical payday loan is 391 percent APR; and

Whereas, these high interest rates aggravate Cleveland's home mortgage foreclosure crisis; and

Whereas, Democratic state legislators joined with Republicans to crack down on abusive lending by passing House Bill 545, which caps Ohio's annual interest on payday loans at 28 percent; and

Whereas, Gov. Ted Strickland signed House Bill 545 into law; and

Whereas, the national payday lobby is financing a referendum that would undermine Ohio's nationally acclaimed payday reform law and allow lenders to continue charging rates commonly associated with loan sharking; and

Whereas, this referendum would appear on the Nov. 4 ballot as Issue 5; and

Whereas, a YES vote on Issue 5 will preserve Ohio's 28 percent rate cap and block lenders from charging 391 percent interest; and

Whereas, preserving the rate cap will help Cleveland's families, neighborhoods and businesses by allowing borrowers to keep more of their money by spending less on high interest rates; and

Whereas, a YES vote on Issue 5 will extend the same loan protections to Cleveland families that the federal government provides to military families.

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

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

Section 1. That this Council hereby strongly urges all City of Cleveland residents to vote YES on State Issue 5 to preserve a rate cap on payday lenders.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1569-08.**By Council Member Cimperman.**

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 2553 Superior Avenue and repealing Resolution No. 1039-08, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to BP Products of North America, Inc., DBA Site #1104, 2553 Superior Avenue, Cleveland, Ohio 44114, Permanent Number 08984671104 by Resolution No. 1039-08 adopted by the Council on July 2, 2008; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to BP Products of North America, Inc., DBA Site #1104, 2553 Superior Avenue, Cleveland, Ohio 44114, Permanent Number 08984671104 be and the same is hereby withdrawn and Resolution No. 1039-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1570-08.**By Council Member Cimperman.**

An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit at 3009 Payne Avenue, and repealing Resolution No. 1036-08, objecting to said transfer.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 3009 Payne Avenue by Resolution No. 1036-08 adopted by the Council on July 2, 2008; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Little Kings Lounge, Inc., DBA Little Kings Lounge, 3009 Payne Avenue, Cleveland, Ohio 44114, Permanent Number 52379270002 be and the same is hereby withdrawn and Resolution No. 1036-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1571-08.

By Council Member Johnson.

An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 3230 East 93rd Street, and repealing Resolution No. 1056-08, objecting to said renewal.

Whereas, this Council objected to a C1, C2 and D6 Liquor Permit to 3230 East 93rd Street by Resolution No. 1056-08 adopted by the Council on July 2, 2008; and

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

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

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

Section 1. That objection to a C1, C2 and D6 Liquor Permit to Semaan Marketing, Inc., DBA Semaan Marketing, 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 7974550 be and the same is hereby withdrawn and Resolution No. 1056-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 944-08.

By Council Members Cimperman and Zone.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.17, relating to check-cashing businesses.

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

1. In the title, line 4, after "check-cashing" insert "**and pay-day lending**".

2. In Section 1, line 3, at "**Section 347.17**", between "**Check-Cashing**" and "**Businesses**" insert "**and Pay-Day Lending**".

3. In Section 1, at new Section 347.17(a), at the end, add the following sentence: "**Furthermore, the regulations are established to guard against market saturation which may lead to increased rates as an offset for lower business volume.**".

4. In Section 1, at new Section 347.17(b), line 2, between "Code" and the period insert "**and includes check-cashing businesses licensed to**

make loans under Sections 1315.35 to 1315.44 of the Revised Code, also known as pay-day lenders".

5. In Section 1, at new Section 347.17, after division (c) insert:

"(d) **Maximum Number.** **There shall be no more than one check-cashing business located within the City of Cleveland for each 20,000 persons residing in the City as recorded in the most recent decennial U.S. Census. No additional check-cashing businesses shall be established if the current number of check-cashing businesses exceeds the maximum number permitted.**

(e) **Exception.** **This section shall not apply to any check-cashing business as defined above currently in operation prior to passage of this section.**"

6. Insert a new Section 2 to read as follows:

"**Section 2.** **That the report presented to the Finance Committee of this Council at the public hearing on this legislation and prepared by Policy Matters Ohio and Housing Research & Advocacy Center has been placed in File No. 944-08-A.**"

7. Renumber existing "Section 2" to new "**Section 3**".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 1337-08.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Criminal Justice Services Agency for the 2009 Cleveland Team Approach to Domestic Violence; to enter into one or more contracts with Cuyahoga County and one or more contracts with professional consultants to implement the program.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1338-08.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2008 State Byrne Memorial Justice Assistance Grant; and authorizing the purchase by one or more requirement contracts of various types of surveillance equipment, for the Department of Public Safety.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1350-08.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the 2009 Team Approach to Domestic Violence; and to enter into one or more contracts with Cuyahoga County and professional consultants to implement the program.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1375-08.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more professional services necessary to provide group medical, prescription, and dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for a period of one year.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1430-08.

By Council Member Brancatelli.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Engle Avenue to Roberto Cruz and Maria C. Cruz.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1431-08.

By Council Member Brancatelli.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Marble Avenue to Cleveland Municipal School District.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1460-08.

By Council Member Polensek.

An emergency ordinance designating the La Salle Theatre Building as a Cleveland Landmark.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1496-08.

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to accept HUD 108 funding from the United States Department of Housing and Urban Development to appropriate the funds and authorizing the Director of Economic Development to enter into loan agreements under this Program.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. In Section 3, line 2, strike "\$350,000" and insert "\$250,000".

Amendment agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 1497-08.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with J & C Properties of Northeast Ohio, LLC to provide economic development assistance to partially finance the project costs for the relocation of Olympic Forest Products to 2200 Carnegie Avenue and other associated costs necessary to redevelop the property.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1498-08.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with The Cleveland Hearing and Speech Center to provide economic development assistance to partially finance the construction of a new facility located at 11635 Euclid Avenue and other associated costs necessary to redevelop the property.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read

third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1499-08.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Z & M Triangle Partners LLC to provide economic development assistance to partially finance the completion of the retail portion of the Uptown Project.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. Insert new Section 7 to read as follows:

"Section 7. That the authority to enter into this contract is contingent on the borrower's procurement of the necessary bank loans to complete the project."

2. Renumber existing Sections 7, 8, and 9 to "Section 8", "Section 9" and "Section 10".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 1500-08.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, to enter into one or more contracts with Johnson Controls Inc. for professional services necessary to maintain and service the CCTV surveillance system, including network and software maintenance, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

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

1. In the title, strike lines 9 and 10 in their entirety and insert: **"one-year options to renew, the second of which is exercisable through additional legislative authority."**

2. In Section 1, line 7, strike "exercisable by the Director of Finance" and insert **"The first of the one-year options to renew may be exercised by the Director of Finance, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority."**

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 1528-08.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of ready mix concrete, for the various divisions of City government, for a period of one year, with a one-year option to renew.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1529-08.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Fairfax Renaissance Development Corporation to provide economic development assistance to partially finance the redevelopment of property located at 2382-2390 East 79th Street.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1530-08.

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development, on behalf of the City of Cleveland, to apply for membership into a coalition which will apply for and receive a grant from the United States Environmental Protection Agency for various brownfield activities; and authorizing the Director to enter into an agreement with Cuyahoga County and the other coalition members to implement the grant.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

LAID ON THE TABLE

Ord. No. 222-92.

By Council Member Jackson.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 240.01 to 240.05, inclusive, thereof, relating to Acquired Immunodeficiency Syndrome and Sexually Transmitted Disease.

Ord. No. 1739-97.

By Council Members Robinson, Coats, Rybka, Willis and Westbrook (by departmental request).

An emergency ordinance to amend Sections 561.02 and 561.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No.

1328-82, passed September 20, 1982; to supplement said codified ordinances by enacting new Sections 210.01, 210.02 and 210.03 thereof; and to retitle Chapter 561 of said codified ordinances to "Permits for Clean Hard Fill" all relating to landfills.

Ord. No. 1686-98.

By Council Member Westbrook.
An emergency ordinance to amend Section 235.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 279-A-86, passed February 9, 1987 relating to exemptions from the Clean Indoor Air Act.

Res. No. 853-01.

By Council Member Cimperman.
An emergency resolution requesting that the Commissioner of Environment use all legal means under the City's air pollution code, Title V of the Codified Ordinances, to enforce air pollution laws to protect the health of the citizens of the City, and that the City's Director of Law update the City's air pollution code.

Res. No. 484-02.

By Council Member Lewis.
An emergency resolution urging this Council to review and conduct a hearing on the process of placing children in foster care by the Cuyahoga County Department of Children and Family Services.

Without objection, Ordinance No. 222-92, Ordinance No. 1739-97, Ordinance No. 1686-98, Resolution No. 853-01 and Resolution No. 484-02 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 222-92, Ordinance No. 1739-97, Ordinance No. 1686-98, Resolution No. 853-01 and Resolution No. 484-02 laid on the table.

MOTION

By Council Member Westbrook, seconded by Council Member Brady and unanimously carried that the absence of Council Member Joseph Santiago is hereby authorized.

MOTION

The Council Meeting adjourned at 7:40 p.m. to meet on Monday, October 20, 2008 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

The following measure will be on its final passage at the next meeting:

NONE

BOARD OF CONTROL

October 8, 2008

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 8, 2008, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Directors Withers, Scott, Director Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Guzman, Acting Director O'Leary.

Absent: Mayor Jackson and Director Smith.

Others: James Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 493-08.

By Interim Director Withers.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on May 9, 2008, for sewer test tee installation, inspection and snaking (all items), for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Section 541.13 of Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Scott, Director Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Guzman, Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Smith.

Resolution No. 494-08.

By Director Wasik.
Whereas, Ordinance No. 988-07, passed by the Council of the City of Cleveland on July 11, 2007, as amended by Ordinance Nos. 1273-07 and 638-08, passed by the Council of the City of Cleveland on August 8, 2007 and June 2, 2008, authorizes the Director of Public Service ("Director") to make at least two contracts for the six-month lease of a total of twelve cart tipplers, without competitive bidding, from lessors chosen by the Board of Control and to purchase the leased cart tipplers upon the termination of their respective leases for a price to be determined by the Board of Control; and

Whereas, by Resolution No. 477-07, adopted August 22, 2007, this Board chose Waste Removal Equipment, Inc., among others, as a lessor for cart tipplers and requested the Director to enter into a six-month lease for six Perkins cart tippler systems; and

Whereas, Resolution No. 477-07 incompletely identified one lessor as Waste Removal Equipment, Inc.; and

Whereas, the Director of Public Service entered into an agreement with Kruis Enterprises, Inc., d.b.a. Waste Removal Equipment for the six-month lease of six Perkins cart tipplers; and

Whereas, the lease with Kruis Enterprises, Inc. dba Waste Removal Equipment for the six Perk-

ins cart tipplers has terminated, and the City desires to purchase the leased cart tippler systems; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 477-07 is amended by replacing "Waste Removal Equipment, Inc." where appearing with "Kruis Enterprises, Inc. dba Waste Removal Equipment."

Be it further resolved that under the authority of Ordinance No. 988-07, passed by the Cleveland City Council on July 11, 2007, as amended by Ordinances Nos. 1273-07 and 638-08, respectively passed by the Cleveland City Council on August 8, 2007 and June 2, 2008, the price for the purchase of six Perkins cart tippler systems, model #6080C, leased from Waste Removal Equipment, Inc. (n.k.a. Kruis Enterprises, Inc., d.b.a. Waste Removal Equipment, Inc.) as chosen by this Board of Control in Resolution No. 477-07, adopted August 22, 2007, is determined to be \$23,388.00, and the Director of Public Service is requested to enter into a purchase contract for the equipment.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Scott, Director Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Guzman, Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Smith.

Resolution No. 495-08.

By Director Wasik.
Resolved, by the Board of Control of the City of Cleveland that the bid of Refuse Equipment & Truck Services Inc. for a quantity of various size front end loader containers, all items in the alternate bid (Waste-quip/Accurate) including freight, for the Division of Waste Collection and Disposal, Department of Public Services, received on August 13, 2008, under the authority of the Codified Ordinance Section 181.101, of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the order quantity would amount to \$92,058.00, and the Director of Public Service is requested to enter into a contract for the items with the bidder.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Scott, Director Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Guzman, Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Smith.

Resolution No. 496-08.

By Director Nichols.
Whereas, Board of Control Resolution No. 263-08, adopted May 28, 2008, amended Board of Control Resolution No. 196-08, adopted April 22, 2008, under the authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinances Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997, respectively, and directed the Commissioner of Purchases and Supplies to sell certain parcels of the Chagrin Highlands Development Area located in the City of Beachwood ("Prop-

erty") and no longer needed for public use, to LTF Real Estate Company, Inc. and adding Chagrin Highlands, Ltd. as an additional grantee and directed Commissioner of Purchases and Supplies to convey to Chagrin Highlands, Ltd. an easement for landscaping and streetscape improvements and an easement for construction, installation, and maintenance of utilities, according to the terms of the Master Development Agreement ("MDA") set forth in the ordinance; and

Whereas, the Director of Economic Development desires to convey an easement to Chagrin Highlands, Ltd. to install and maintain an underground utility strip across the City of Cleveland property, immediately north of the Life Time Fitness (LTF) property; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 263-08, adopted May 28, 2008, under authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinances Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997, respectively, directing the Commissioner of Purchases and Supplies ("Commissioner") to add Chagrin Highlands, Ltd. as an additional grantee and to convey to Chagrin Highlands, Ltd. an easement for landscaping and streetscape improvements and an easement for construction, installation, and maintenance of utilities is amended to direct the Commissioner to convey to Chagrin Highlands, Ltd. an easement for maintenance and installation of an underground utility strip across the City of Cleveland property, immediately north of the Life Time Fitness (LTF) property.

Be it further resolved that the Mayor and the Commissioner are requested to execute and deliver official deed or deeds of the City of Cleveland conveying the Property, including the easements authorized in Resolution Nos. 196-08 and 263-08, and declarations of covenants and restrictions that are contemplated under the MDA.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Scott, Director Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Guzman, Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Smith.

Resolution No. 497-08.

By Director Nichols.

Whereas, under the authority of Ordinance No. 896-08, passed on June 9, 2008 by the Council of the City of Cleveland, the Director of Economic Development is authorized, by and at the direction of the Board of Control, to lease the City-owned property no longer needed for public use, described in the ordinance and located at the 3418 Crescent Avenue, to St. Ignatius High School; and

Whereas, Ordinance No. 896-08, provides that the consideration to be paid for the lease of the parcels shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Ordinance No. 896-08, the Director of Economic Development is directed to lease the City-owned property no longer needed for public use, described in the ordinance and located at 3418 Crescent Avenue to St. Ignatius High School, for a consideration, determined by this Board to be not less than fair market value, of \$1.00 per year payable per the terms of the lease agreement of the property with St. Ignatius High School.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Scott, Director Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Guzman, Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Smith.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 27, 2008

9:30 A.M.

Calendar No. 08-177: 2095 West 81st Street (Ward 17)

Greater Cleveland Habitat for Humanity, owner, appeals to erect a two-story frame single family dwelling on a 35' x 125' parcel in a Two-Family District on the east side of

West 81st Street; contrary to Section 357.09, the proposed dwelling is less than 10 feet from a main building on an adjoining lot a Residence District.

Calendar No. 08-181: 1700 Columbus Road (Ward 13)

Rosemary Vinci, owner, appeals to establish use of an existing three-story building as a game/pool billiard hall on an irregular shaped corner parcel in a General Industry District; and an accessory off-street parking area is required in the amount of three times the gross floor area, or a parking area of 6,800 square feet that equals 23 total parking spaces; with 7 accessory off-street spaces provided (some of which are shown on the plan as located in the public right-of-way) and 16 total spaces are required according to the provisions of Section 349.04(e); and a nonconforming use of a building or premises which has been discontinued shall not thereafter be returned to such nonconforming use; the previous nonconforming use considered discontinued when business operations have ceased for more than two(2) years, as stated in Section 359.02(a)(b)(2) of the Codified Ordinances.

Calendar No. 08-182: 7223 Lorain Avenue (Ward 17)

Kathleen Benco, owner, and Nathaniel Muniz, tenant, appeal to establish use for piercing and tattooing in an existing two-story building on a 35' x 132' parcel in a Local Retail Business District; subject to the limitations of Section 343.01(b) the proposed use is not permitted, but first permitted in a General Retail Business District, provided that the use must be at least 1,000 feet from a residence district, pursuant to Section 347.12(b)(1), and the use is within 10 feet of a residence district to the North and within 300 feet of a residence district to the South; a gravel lot is proposed for accessory off-street parking spaces, contrary to Section 349.07(a) that requires parking spaces, driveways, and maneuvering areas to be surfaced with concrete, asphalt, asphaltic concrete or other surface material approved by the Building Commissioner.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 13, 2008

At the meeting of the Board of Zoning Appeals on Monday, October 13, 2008, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 08-173: 14501-09 Kinsman Road

SJV Properties appealed to erect a multi-tenant retail building with 32 accessory off-street parking

spaces in split zoning between Local Retail Business and Two-Family Districts.

Calendar No. 08-174: 2013 Columbus Road

Morgan Services, Inc. appealed to add 25 parking spaces to an existing parking lot in a Semi-Industry District.

The following appeal was **Denied:**
None.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 08-172: 4200 East 71st Street postponed to November 17, 2008.

The following appeals heard by the Board on October 6, 2008 were adopted and approved on October 13, 2008.

The following appeal was **Approved:**

Calendar No. 08-169: 5000 Pearl Road
Myron Kaplan appealed to use for auto wrecking and dismantling purposes a structure identified as "Building B" in split zoning between Semi-Industry and General Industry Districts; subject to conditions.

The following appeal was **Denied:**

Calendar No. 08-171: Violation Notice, 3616 Riverside Avenue

Alexandria and Charlene Jorge appealed from a Notice of Violation issued by the Building and Housing Department.

The following appeal heard by the Board on August 18, 2008 was adopted and approved by the Board on October 13, 2008.

The following appeal was **Approved:**

Calendar No. 08-149: 7420 Carnegie Avenue

Karl and Linda Greene, owners, appealed to establish a billiards hall in a former parts store and warehouse located at 7420 Carnegie Avenue in a Midtown Mixed-Use District 3.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

Notice of Public Meeting of the City of Cleveland Records Commission

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland Records Commission will hold a public meeting on Tuesday, October 28, 2008 at 10:00 A.M. in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

October 15, 2008 and October 22, 2008

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, October 29, 2008 1:00 p.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, October 29, 2008, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 1001-08.

By Council Member Reed.
An ordinance expanding the Union Miles Business Revitalization District by designating a portion of Kinsman Road and Union Avenue as shown shaded on the attached map (Map Change No. 2267, Page 10).

Ord. No. 1002-08.

By Council Member Zone.
An ordinance changing the Use, Area and Height Districts of property located on the northeast corner of West 85th Street and Madison Avenue to Local Retail Business District, a 'C' Area District and a '2' Height District (Map Change No. 2266, Sheet No. 1).

Ord. No. 1562-08.

By Council Members Cimperman and Zone.
An emergency ordinance repealing Section 347.02 of the Codified Ordinances of the Cleveland, Ohio, 1976, as amended by Ordinance No. 1470-06, passed December 11, 2006, relating to restrictions on location of stables, poultry enclosures and other enclosures and supplementing the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.02 thereof, relating to restriction on the keeping of farm animals and bees.

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

Joseph C. Cimperman
Chairman
Committee on City Planning

October 15, 2008 and October 22, 2008

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 29, 2008

File No. 226-08 — Pap and HPV Testing Services (Re-Bid), for the Division of Health Administration, Department of Public Health, as authorized by Ordinance No. 751-08, passed by the Council of the City of Cleveland, May 19, 2008.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 16, 2008 AT 9:30 A.M., THE McCAFFERTY HEALTH CENTER, 4242 LORAIN AVENUE, CLEVELAND, OHIO 44113.

October 8, 2008 and October 15, 2008

THURSDAY, OCTOBER 30, 2008

File No. 224-08 — Purchase of Automotive Paints and Supplies, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland June 11, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, OCTOBER 20, 2008 AT 11:30 A.M., THE DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

October 8, 2008 and October 15, 2008

FRIDAY, OCTOBER 31, 2008

File No. 223-08 — Labor and Materials to Install Two Canopies, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1533-07, passed by the Council of the City of Cleveland, December 10, 2007.
THERE WILL BE **NO FEE** FOR PLANS AND SPECIFICATIONS. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 17, 2008 AT 10:00 A.M., THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

October 8, 2008 and October 15, 2008

WEDNESDAY, NOVEMBER 5, 2008

File No. 225-08 — Labor and Material to Paint Poles and Other Streetside Elements, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 988-08, passed by the Council of the City of Cleveland, August 6, 2008.
THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, OCTOBER 22, 2008 AT 10:00 A.M., THE CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.
THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

October 8, 2008 and October 15, 2008

FRIDAY, NOVEMBER 7, 2008

File No. 227-08 — Repair Parts for Pumps, Saws and Small Engines, for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.
THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, OCTOBER 23, 2008 AT 10:30 A.M., THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

October 15, 2008 and October 22, 2008

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1533-08.
By Council Member Cimperman.
An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4020 Bridge Avenue, and repealing Resolution No. 1053-08, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to Adam Deli, Inc., 4020 Bridge Avenue, Cleveland, Ohio 44113 by Resolution No. 1053-08 adopted by the Council on July 2, 2008; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Adam Deli, Inc., 4020 Bridge Avenue, Cleveland, Ohio 44113, Permanent Number 0050321 be and the same is hereby withdrawn and Resolution No. 1053-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 6, 2008.
Effective October 9, 2008.

Res. No. 1534-08.
By Council Member Reed.
An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 3062-64 East 116th Street, and repealing Resolution No. 1218-08, objecting to said renewal.

Whereas, this Council objected to a C1, C2 and D6 Liquor Permit to Nazer, Inc., 3062-64 East 116th Street, Cleveland, Ohio 44120 by Resolution No. 1218-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a C1, C2 and D6 Liquor Permit to Nazer, Inc., 3062-64 East 116th Street, Cleveland, Ohio 44120, Permanent Number 6321748 be and the same is hereby withdrawn and Resolution No. 1218-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 6, 2008.
Effective October 9, 2008.

Res. No. 1535-08.
By Council Member Sweeney.
An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 13925 Puritas Avenue, and repealing Resolution No. 1226-08, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to Metri, Inc., DBA Clark on Go, 13925 Puritas Avenue, Cleveland, Ohio 44135 by Resolution No. 1226-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Metri, Inc., DBA Clark on Go, 13925 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 5870500 be and the same is hereby withdrawn and Resolution No. 1226-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 6, 2008.
Effective October 9, 2008.

Res. No. 1536-08.
By Council Member Sweeney.
An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 14527-29 Puritas Avenue, and repealing Resolution No. 1227-08, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to Way John, Inc., DBA Danny Boy Tavern, 14527-29 Puritas Avenue, Cleveland, Ohio 44135 by Resolution No. 1227-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Way John, Inc., DBA Danny Boy Tavern, 14527-29 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 94427530005 be and the same is hereby withdrawn and Resolution No. 1227-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 6, 2008.
Effective October 9, 2008.

Ord. No. 859-08.

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

An emergency ordinance authorizing the Director of Port Control to solicit proposals from management companies to provide maintenance, operation, and management of the City-owned common use facilities at Cleveland Hopkins International Airport; and to enter into one or more contracts with the selected entity, for a period of two years, with one option to renew for an additional two-year period, 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 solicit proposals from management companies to provide maintenance, operation, and management of the City-owned common use facilities at Cleveland Hopkins International Airport. The awards to the management companies shall be by resolution of the Board of Control.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts with the selected entity for the purposes stated above, for a period of two years, with one option to renew for an additional two-year period, exercisable by the Director of Port Control if authorized by additional legislative authority, from a list of entities available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 3. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the proceeds generated from the operation of the City-owned common use facilities at Cleveland Hopkins International Airport.

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

Passed October 6, 2008.

Effective October 9, 2008.

Ord. No. 1012-08.

By Council Member Mitchell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Fairfax Renaissance Development Corporation.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Fairfax Renaissance Development Corporation.

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

P. P. No. 119-26-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sublot No. 5 Harris and Andrew Jaynes' Allotment of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 3 of Maps, Page 60 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 79th Street (formerly East Madison Avenue), and extending back of equal width 100-feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Restriction of record and zoning Ordinances if any.

P. P. No. 119-26-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 4 in H. and A. Jaynes Subdivision of part of Original Lot No. 407, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 60 of Cuyahoga County Records, said Sublot No. 4 has a frontage of 50 feet on the Easterly side of East 79th Street (formerly Madison Avenue) and extends back a distance of 170 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 119-26-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 3 in Harris and Andrew Jaynes Subdivision of part of Original 100 Acre Lot No. 407 as shown by the recorded plat in Volume 3 of Maps, Page 60 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months

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

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed October 6, 2008.

Effective October 9, 2008.

Ord. No. 1013-08.

By Council Member Mitchell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Platt Avenue to Jacqueline L. Parker.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Jacqueline L. Parker.

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

P. P. No. 126-02-042

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio: and known as being Sublot No. 7 in Rogers, O'Brien, McNamara and McGinness Allotment of part of Original One Hundred Acre Lot No. 415. Said Sublot No. 7 has a frontage of 40 feet on the Southerly side of Platt Avenue, S.E. and is 150 feet deep, as per plat, of said Allotment recorded in Volume 4 of Maps, Page 9 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1016-08.

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

An emergency ordinance to repeal Section 301.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1382-91, passed June 3, 1991, relating to design and planning review fees.

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 301.01 of the Codified Ordinances of Cleve-

land, Ohio, 1976, as amended by Ordinance No. 1382-91, passed June 3, 1991, is repealed.

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1184-08.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 145.06 relating to reserving space at Department of Aging events, fee.

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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 145.06 to read as follows:

Section 145.06 Reserving Space at Department of Aging Events; Fee

The Director of Aging may charge a fee, as established from time to time by the Board of Control, to agencies to reserve space to provide information and resources to benefit older adults at appropriate Department of Aging events. The Board of Control may establish a fee scale that takes into consideration an agency's non-profit or for-profit status. Fees collected under this section are for the purpose of defraying costs incurred by the Department of Aging during these events, and are appropriated for this purpose. The Director of Aging, with the approval of the Board of Control, shall establish a protocol for the allocation of space at Department of Aging events.

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1328-08.

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

An emergency ordinance authorizing the Director of Port Control to issue rent credits to Continental Airlines, under Contract No. 38171, for

relocating its credit union office on the baggage claim level of the Airport terminal building; and authorizing the Director to enter into an amendment to the contract regarding the rent credits.

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 an amendment to Contract No. 38171 ("Amendment") with Continental Airlines, to issue rent credits to Continental Airlines for relocating its credit union office on the baggage claim level of the Airport terminal building to accommodate airport development. The rent credit amount will be equal to the actual cost to make the improvements.

Section 2. That the Director of Port Control is authorized to execute any additional documents necessary and appropriate to issue the rent credits.

Section 3. That the Amendment shall be prepared by the Director of Law.

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1331-08.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants or computer software developers to develop AutoCad software and upgrades, or vendors to acquire licenses and upgrades to AutoCad software, including but not limited to, necessary equipment and services, installation and set-up, design, training, hosting, implementing, testing, maintaining, technical support, and other related issues for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority; and to enter into various written standard purchase and requirement contracts for equipment and services not obtained under the professional services contract or contracts.

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 employ one or more professional consultants or computer software developers to develop AutoCad software and upgrades, or vendors to acquire licenses and upgrades to AutoCad software, for the Department of Port Control, including but not limited to, necessary equipment and services, installation and set-up, design, training, hosting, implementing, testing, maintaining, technical support, and other related issues for a period of two years, with two one-year options to renew. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period of two years, with two one-year options to renew for the necessary items of equipment and services not obtained under Section 1 of this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 3. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase,

which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the cost of the contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 175227.

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

Passed October 6, 2008.

Effective October 9, 2008.

Ord. No. 1332-08.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance to amend the title and Section 1 of Ordinance No. 588-08, passed July 2, 2008, relating to authorizing the Director of Port Control to enter into one or more contracts with Critical Business Analysis, Inc. regarding the acquisition of Expedition software; to supplement the ordinance by adding new Section 2; and to renumber existing Section 2 to new Section 3.

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

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

Section 1. That the title and Section 1 of Ordinance No. 588-08, passed July 2, 2008, are amended to read as follows:

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with Critical Business Analysis, Inc. for professional services necessary to acquire Expedition software licenses and upgrades to Expedition software, including but not limited to, installation, integration, set-up, maintenance, training, hosting, implementing, testing, support services, and other related issues for a period of one year, with two one-year options to renew, the second of which is exercisable through additional legislative authority.

Section 1. That the Director of Port Control is authorized to enter

into one or more contracts with Critical Business Analysis, Inc. ("CBA") for professional services necessary to acquire Expedition software licenses and upgrades to Expedition software, including but not limited to, installation, integration, set-up, maintenance, training, hosting, implementing, testing, support services, and other related issues, on the basis of CBA's proposals dated March 18, 2008, and September 4, 2008, in an amount not to exceed \$51,500.00, for the Department of Port Control, for a period of one year, with two one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. The contract or contracts shall be paid from Fund No. 60 SF 001, Request No. 175207.

Section 2. That the existing title and Section 1 of Ordinance No. 588-08, passed July 2, 2008, are repealed.

Section 3. That Ordinance No. 588-08, passed July 2, 2008 is supplemented by adding new Section 2 to read as follows:

Section 2. That the Director of Port Control is authorized to enter into any third-party agreements necessary to effectuate the purposes of this ordinance.

Section 4. That existing Section 2 of Ordinance No. 588-08, passed July 2, 2008, is renumbered to new "Section 3".

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

Passed October 6, 2008.

Effective October 9, 2008.

Ord. No. 1333-08.
By Council Members Kelley, Cleveland and Sweeney (by departmental request).

An emergency ordinance to amend Section 571.80 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1819-50, passed December 4, 1950, relating to hours of operation at Burke Lakefront Airport.

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 571.80 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1819-50, passed December 4, 1950, is amended to read as follows:

Section 571.80 Hours of Operation and Flight Rules and Conditions for Burke Lakefront Airport

(a) Burke Lakefront Airport is open twenty-four (24) hours and operates under Visual and Instrument Flight Rule conditions.

(b) No aircraft shall be operated in such a manner as to pass over Cleveland Municipal Stadium at any time.

(c) All aircraft operating from the Airport shall make their turn after take off in such a manner that the Airport shall be between the aircraft and the City.

(d) All aircraft operating in the traffic pattern at the Airport shall operate in such a manner as to fly between the breakwall and the active runway, over the water, on the downwind leg of the pattern.

(1) Southwest traffic pattern: right hand.

(2) Northeast traffic pattern: left hand.

Section 2. That existing Section 571.80 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1819-50, passed December 4, 1950, is repealed.

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1344-08.

By Council Members Conwell, Cleveland and Sweeney (by department request).

An emergency ordinance to amend Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 646-92, passed June 1, 1992, relating to the purchase of firearms, ammunition, helmets, tasers, and K-9 police dogs, for the Department of Public Safety.

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 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 646-92, passed June 1, 1992, is amended to read as follows:

Section 135.065 Purchase of Firearms, Ammunition, Helmets, Tasers, and K-9 Police Dogs, for the Department of Public Safety

(a) The Director of Public Safety is authorized to enter into one or more requirement or standard purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, as may be necessary, from time to time, for the

purchase of each or all of the following items:

Nine millimeter handguns, including magazine clips and holsters.

Shotguns, including necessary appurtenances.

Rifles, including necessary appurtenances.

Ammunition, both service and reload.

Helmets, including any necessary attachments.

Tasers, including any necessary equipment.

K-9 police dogs, including any related equipment, supplies, and training.

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

Section 2. That existing Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 646-92, passed June 1, 1992, is repealed.

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1346-08.

By Council Member Cummins.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Denison Avenue to Robert E. Prunty and Gayle Prunty.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Robert E. Prunty and Gayle Prunty.

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

P. P. No. 015-24-015

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot No. 13 in Gates and Bash's Allotment of part of Original Brooklyn Township Lot No. 56 as shown by the recorded plat in Volume 5 of Maps, Page 63 of Cuyahoga County Records, and also part of Original Brooklyn Township Lot No. 65, bounded and described as follows:

Beginning on the Northerly line of Denison Avenue S.W. (50 feet wide) at the Southwesterly corner of said Sublot No. 13, thence Easterly along said Northerly line of Denison Avenue S.W. about 52 feet to its point of Intersection with the Westerly line of a parcel of land conveyed to Aleksander Lekowski and Stanislaw Lekowski by deed dated July 7, 1927, and recorded in Volume 3522 Page 410 of Cuyahoga County Records, thence Northerly along said Westerly line of a parcel of land so conveyed to Aleksander Lekowski and Stanislaw Lekowski about 173 feet to the Southerly line of a parcel of land conveyed to Amelia Keller by deed dated September 9, 1925 and recorded in Volume 3176 Page 476 of Cuyahoga County Records thence Westerly along said Southerly line of a parcel of land so conveyed to Amelia Keller 6 feet to the Westerly line of Original Lot No. 65, thence Southerly along said Westerly line of Original Lot No. 65, a distance of about 23 feet to the Northeasterly corner of said Sublot No. 13, thence Westerly along the Northerly line of said Sublot No. 13, which is also the Southerly line of a 10 foot alley, 45 feet 4 2/5 inches to the Northwest corner thereof, thence Southerly along the Westerly line of Sublot No. 13, a distance of 142 feet 4 1/2 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive

covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed October 6, 2008.

Effective October 9, 2008.

Ord. No. 1347-08.

By Council Member Santiago.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 33rd Street to Richard H. Lennon, Bishop of Cleveland Catholic Diocese.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Richard H. Lennon, Bishop of Cleveland Catholic Diocese.

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

P. P. No. 007-31-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 1 in The Roehl Subdivision of part of Original Brooklyn Township Lot No. 67, as shown by the recorded plat in Volume 31 of Maps, Page 22 of Cuyahoga County Records and being 25 feet front on the Westerly line, 127.00 feet on the Southerly line and having a rear line of 25 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed October 6, 2008.

Effective October 9, 2008.

Ord. No. 1349-08.

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Building and Housing to employ one or more professional consultants to provide title search services in conjunction with the City's demolition program, for a period not to exceed two years.

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

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

Section 1. That the Director of Building and Housing is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland

in order to provide title search services in conjunction with the City's demolition program, for a period not to exceed two years.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 20 SF 512 and 20 SF 518, Request No. 162666.

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

Passed October 6, 2008.

Effective October 9, 2008.

Ord. No. 1428-08.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the McGregor Foundation for the Helping Cleveland Senior Home Owner Program; and authorizing the director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$62,700, and any other funds that may become available during the grant term from the McGregor Foundation to conduct the Helping Cleveland Senior Home Owner Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1428-08-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Aging is authorized to enter into one or more contracts with or make payments to agencies, entities, or individuals to implement the grant as described in the file.

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

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1503-08.
By Council Member Cimperman.
An emergency ordinance designating the northwest corner of Literary Avenue and Professor Avenue as "Michael Symon Corner" as a secondary and honorary designation.

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 northwest corner of Literary Avenue and Professor Avenue shall also be known as "Michael Symon Corner" as a secondary and honorary designation.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1504-08.
By Council Member Cimperman.
An emergency ordinance designating the northwest corner of West 14th Street and Howard Avenue as "Father McNulty and Sister Corita Corner" as a secondary and honorary designation.

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 northwest corner of West 14th Street and Howard Avenue shall also be known as "Father McNulty and Sister Corita Corner" as a secondary and honorary designation.

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1531-08.
By Council Members Santiago, Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of one elevator power unit to replace the unit on Elevator #3 at the West Side Market, including appurtenances, and labor and materials needed to replace the unit, including removal and disposal of the old unit, for the Division of Con-

vention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one elevator power unit needed to replace the power unit on Elevator #3 at the West Side Market, including but not limited to, the tank, motor, valve, pump, oil, and other appurtenances, and labor and materials needed to replace the unit, including removal and disposal of the old unit, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Parks, Recreation and Properties may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 20 SF 362, 20 SF 371, 20 SF 81, 20 SF 391, 20 SF 503, and 20 SF 509, Request No. 151162.

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

Passed October 6, 2008.
Effective October 9, 2008.

Ord. No. 1537-08.
By Council Member Mitchell.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Buckeye Area Development Corporation to encroach into the public rights-of-way above East 115th Street and East 122nd Street with 20 American flags to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Buckeye Area Development Corporation ("Permittee"), 11802 Buckeye Road, Cleveland, OH 44120, to encroach into the public rights-of-way above East 115th Street and East 122nd Street by installing, using, and maintaining 20 American flags to be attached to Cleveland Public Power utility poles (by separate permission), at the locations more fully described as follows:

	Location	CPP Utility Pole Numbers		
1.	2760 E. 122nd Street	154-8-9	Wood	Single bracket
2.	2772 E. 122nd Street	154-8-8	Wood	Single bracket
3.	2784 E. 122nd Street	154-8-7	Wood	Single bracket
4.	2798 E. 122nd Street	154-8-6	Wood	Single bracket
5.	2810 E. 122nd Street	154-8-5	Wood	Single bracket
6.	2820 E. 122nd Street	154-8-4	Wood	Single bracket
7.	2832 E. 122nd Street	154-8-3	Wood	Single bracket
8.	2840 E. 122nd Street	154-8-2	Wood	Single bracket
9.	12105 Buckeye Road (located on west side of E. 122nd Street, at the rear property line, north of Buckeye Rd.,)	154-1	Wood	Single bracket
10.	11502 Woodland Avenue (located on east side of E. 115th Street, approx. 31' south of the southern curblineline of Woodland Ave.)	None	Wood	Single bracket
11.	11502 Woodland Avenue (located on east side of E. 115th Street, at the rear property line, south of Woodland Ave.)	552157	Wood	Single bracket
12.	2617 E. 115th Street	None	Wood	Single bracket
13.	2625 E. 115th Street	34931	Wood	Single bracket
14.	2629 E. 115th Street	None	Wood	Single bracket
15.	2641 E. 115th Street (vacant lot)	None	Wood	Single bracket
16.	2651 E. 115th Street	None	Wood	Single bracket
17.	2657 E. 115th Street (vacant lot)	None	Wood	Single bracket
18.	2669 E. 115th Street	None	Wood	Single bracket
19.	2696 MLK Jr. Drive (located on east side of E. 115th Street, at the rear property line, north of MLK Jr. Drive)	None	Wood	Single bracket
20.	2696 MLK Jr. Drive (located on east side of E. 115th Street, approx. 54.5' north of the northern curblineline of MLK Jr. Drive)	None	Wood	Single bracket

Section 2. That Permittee may assign the permit only with the written consent of the Director of Public Service. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the encroachment locations to the City.

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

Passed October 6, 2008.

Effective October 9, 2008.

COUNCIL COMMITTEE MEETINGS

**Monday, October 13, 2008
9:30 a.m.**

Health and Human Services Committee: Present: Brancatelli, Chair; Kelley, Reed, Mitchell. *Authorized Absence:* Cleveland, Vice Chair; Santiago, Conwell. *Protempore:* Sweeney.

11:00 a.m.

Public Service Committee: Present: Brady, Chair; Pruitt, Vice Chair; Cleveland, Polensek, Cummins, White,

Johnson, Reed. *Authorized Absence:* Santiago.

2:00 p.m.

Community and Economic Development Committee and Finance Committee: Present in CDED: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Coats, Westbrook, Brady, Zone, Howse. *Authorized Absence:* Cummins.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Keane, Pierce Scott, Brancatelli, Zone, Westbrook, Coats, White. *Authorized Absence:* Conwell.

Immediately following joint

Finance Committee: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Pierce Scott, Brancatelli, Zone, Westbrook, Coats, Conwell, White, Keane.

Wednesday, October 15, 2008

10:00 a.m.

Aviation and Transportation Committee: Present: Kelley, Chair; Keane, Vice Chair; Mitchell, Westbrook. *Authorized Absence:* Cleveland, Howse, Brancatelli.

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City of Cleveland food purchasing and contracting policy (R 1564-08) 1971
State Issue 5 (House Bill 545) — preserve a rate cap on payday lenders
(R 1568-08) 1973

Resolutions — Miscellaneous

2008 Food Charter — to promote regional economic development and
food security for our neighborhoods (R 1563-08) 1970
City of Cleveland food purchasing and contracting policy (R 1564-08) 1971
Foster care — placement of children — urging Council — review process
(R 484-02) **1976-T**

Rock ‘N Roll Hall of Fame Foundation

Economic Development — Grant agreement — 2009 Induction Ceremony
(O 1561-08) 1969

Safety Department

Amend Sect. 135.065 — Contracts for the purchase firearms, ammunition,
helmets, tasers, and K-9 police dogs (O 1344-08) **1983**
Cleveland Team Approach to Domestic Violence, 2009 — grant — Criminal
Justice Services Agency — Cuyahoga County — implement the program
(O 1337-08) 1974
Edward Byrne Memorial Justice Assistance Grant Program, 2008 — Grants —
Ohio Office of Criminal Justice Services — surveillance equipment (O 1338-08) 1974

Service Department

E. 115th St. & E. 122nd St., — encroach into right-of-way — permit — Buckeye Area
Development Corp. (20 American flags) (Ward 06) (O 1537-08) **1985**
E. 4th St. — encroach into right-of-way — permit — MRN Ltd. (13 planters)
(Ward 13) (O 1556-08) 1966
E. 93rd St. & Quincy Ave., — dedication of roadway widening — City Planning
Commission — Plats (Ward 06) (F 1579-08) 1965
E. 93rd St. (Chester Ave. to Euclid Ave.) — “Cleveland Clinic Boulevard” —
secondary name and honorary designation (Ward 06) (O 1560-08) 1971

Literary Ave. & Professor Ave., (northwest corner) — designate — “Michael Symon Corner” (O 1503-08)	1985
Scovill Ave. (E. 55th St. to E. 61 St.) — “Scarab Way” — secondary name and honorary designation (Ward 05) (O 1559-08)	1971
W. 73rd St., W. 74th St. and W. 76th St. — encroach into right-of-way — permit — Detroit Shoreway Community Development Organization (10 banners) — (Ward 17) (O 1567-08)	1972
W.14th St. & Howard Ave.(northwest corner) — designate — “Father McNulty and Sister Corita Corner” (O 1504-08)	1985

Slavic Village Development Corporation

Ottawa Ave., 7411 — Purchases and Supplies Division to purchase property from HUD and sell to Slavic Village Development (Ward 12) (O 1558-08)	1968
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State of Ohio

Amend title, Sects. 1, 4 & 7 Ord. No. 649-08 — apply & accept a grant from the State of Ohio — purchase property — Flats East Bank Project (Ward 13) (O 1557-08)	1966
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Streets — Name

E. 93rd St. (Chester Ave. to Euclid Ave.) — “Cleveland Clinic Boulevard” — secondary name and honorary designation — Service Department (Ward 06) (O 1560-08)	1971
Literary Ave. & Professor Ave., (northwest corner) — designate — “Michael Symon Corner” (O 1503-08)	1985
Scovill Ave. (E. 55th St. to E. 61 St.) — “Scarab Way” — secondary name and honorary designation — Service Department (Ward 05) (O 1559-08)	1971
W.14th St. & Howard Ave.(northwest corner) — designate — “Father McNulty and Sister Corita Corner” (O 1504-08)	1985

Tabled Legislation

Amend Sects. 561.02 , 561.03 — enacting new Sects. 210.01, 210.023 (retitle Chapter 561) — “Permits for Clean Hard Fill” and relating to landfills (O 1739-97)	1975-T
City’s air pollution code — Title V — enforce — update (R 853-01)	1976-T
Clean indoor air act exemptions — Amending Section 235.04 (O 1686-98)	1976-T
Enacting new Sects. 240.01 to 240.05 — relating to AIDS and Sexually Transmitted Disease (O 222-92)	1975-T
Foster care — placement of children — urging Council — review process (R 484-02)	1976-T

Taxes

Tax Incentive Review Council’s Year 2007 recommendations (O 1554-08)	1966
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Ward 02

Colston, Sr., Bishop Azel C. — appreciation (R 1585-08)	1966
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Ward 03

Colston, Sr., Bishop Azel C. — appreciation (R 1585-08)	1966
E. 116th St., 3062-64 — withdraw objection to renewal — repeal Res. 1218-08 — liquor permits (R 1534-08).....	1979
Expanding the Union Miles (Business Revitalization District) — Zoning (O 1001-08).....	1978

Ward 04

Burney, Nonnie B. — condolence (R 1582-08).....	1966
Castro, Delores — peddling (O 1572-08)	1973
E. 93rd St., 3230 — withdraw objection to renewal — repeal Res. 1056-08 — liquor permits (R 1571-08)	1974

Ward 05

Burney, Nonnie B. — condolence (R 1582-08).....	1966
East Technical High School — congratulations (R 1584-08)	1966
Scovill Ave. (E. 55th St. to E. 61 St.) — “Scarab Way” — secondary name and honorary designation — Service Department (O 1559-08)	1971

Ward 06

E. 79th St. — PPN 119-26-065/ 066 / 067 — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 1012-08)	1980
E. 79th St., 2382-2390 — Economic Development — contract — Fairfax Renaissance Development Corp — Vacant Property Initiative (O 1529-08)	1975
E. 93rd St. & Quincy Ave. — dedication of roadway widening — City Planning Commission — Service Dept. — Plats (F 1579-08)	1965
E. 93rd St. (Chester Ave. to Euclid Ave.) — “Cleveland Clinic Boulevard” — secondary name and honorary designation — Service Department (O 1560-08)	1971
Platt Ave. — PPN 126-02-042 — Land Reutilization Program — Jacqueline L. Parker (O 1013-08)	1980
Shanklin, Katherine Crump — condolence (R 1581-08).....	1966

Ward 08

Parker, Arneita Lynette — condolence (R 1580-08)	1966
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Ward 09

Economic Development Dept. — contract — Cleveland Hearing and Speech Center — Under Vacant Property Initiative (O 1498-08).....	1975
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Ward 10

Davis, Pastor Jerome Curtis — congratulations (R 1583-08)	1966
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Ward 11

La Salle Theatre Building — designate as landmark (O 1460-08)	1974
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Ward 12

Engle Ave. — PPN 125-26-047 — Land Reutilization Program — Roberto Cruz & Maria C. Cruz (O 1430-08)	1974
Marble Ave. — PPN 133-08-038 — Land Reutilization Program — Cleveland Municipal School District (O 1431-08).....	1974
Ottawa Ave. 7411 — Purchases and Supplies Division to purchase property from HUD and sell to Slavic Village Development (O 1558-08)	1968

Ward 13

Amend title, Sects. 1, 4 & 7 Ord. No. 649-08 — apply & accept a grant from the State of Ohio — purchase property — Flats East Bank Project (O 1557-08)	1966
Bridge Ave., 4020 — withdraw objection to renewal — repeal Res. 1053-08 — liquor permits (R 1533-08).....	1979
E. 4th Ave., 2050 — transfer of ownership and location application — liquor permits (F 1573-08)	1965
E. 4th St. — encroach into right-of-way — permit — MRN Ltd. (13 planters) — Service Department (O 1556-08).....	1966
Economic Development Dept. — contract — J & C Properties of Northeast Ohio, LLC — partially finance the project costs for the relocation of Olympic Forest Products to 2200 Carnegie Ave. — under (VPI) (O 1497-08).....	1975
Enacting new Section 347.17 — check-cashing businesses (O 944-08)	1974
Literary Ave. & Professor Ave. (northwest corner) — designate — “Michael Symon Corner” (O 1503-08)	1985
Payne Ave., 3009 — withdraw objection to transfer of ownership — repeal Res. 1036-08 — liquor permits (R 1570-08).....	1973

Superior Ave., 2553 — withdraw objection to renewal — repeal Res. 1039-08 — liquor permits (R 1569-08).....	1973
W. 9th St., 1278 (Unit 599) — transfer of ownership and location application — liquor permits (F 1574-08).....	1965
W.14th St. & Howard Ave.(northwest corner) — designate — “Father McNulty and Sister Corita Corner” (O 1504-08)	1985

Ward 14

Storer Ave., 4701 — transfer of ownership and location application — liquor permits (F 1575-08)	1965
West 33rd St., PPN 007-31-069 — Land Reutilization Program — Richard H. Lennon, Bishop of Cleveland Catholic Diocese (O 1347-08)	1984

Ward 15

Denison Ave., PPN 015-24-015 — Land Reutilization Program — Robert E. Prunty & Gayle Prunty (O 1346-08)	1983
Pearl Rd., 4250 — transfer of ownership application — liquor permits (F 1576-08).....	1965

Ward 17

W. 73rd St., W. 74th St. and W. 76th St. — encroach into right-of-way — permit — Detroit Shoreway Community Development Organization (10 banners) — Service Dept. (O 1567-08)	1972
W. 85th St. (northeast corner) & Madison Ave. — changing Use, Area and Height Districts — zoning (O 1002-08)	1978

Ward 20

Puritas Ave., 13925 — withdraw objection to renewal — repeal Res. 1226-08 — liquor permits (R 1535-08).....	1979
Puritas Ave., 14527-29 — withdraw objection to renewal — repeal Res. 1227-08 — liquor permits (R 1536-08).....	1979

Ward 21

Lorain Ave., 15715 — stock transfer application — liquor permits (F 1577-08).....	1965
Lorain Ave., 15715 — transfer of location application — liquor permits (F 1578-08)	1965

West Side Market

Parks, Recreation and Properties Department — Contracts for elevator repair (O 1531-08)	1985
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Zoning

Expanding the Union Miles (Business Revitalization District) (O 1001-08).....	1978
Relating to restriction on the keeping of farm animals and bees — enacting new Sec. 347.02 (O 1562-08).....	1969-1978
W. 85th St. (northeast corner) & Madison Ave. — changing Use, Area and Height Districts (Ward 17) (O 1002-08)	1978