

The City Record

Official Publication of the Council of the City of Cleveland



August the Twenty-First, Two Thousand and Thirteen

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zachary Reed	3734 East 149th Street	44120
3	Joe Cimperman	P.O. Box 91688	44101
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Eugene R. Miller	13615 Kelso Avenue	44110
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Jay Westbrook	1278 West 103rd Street	44102
17	Dona Brady	1272 West Boulevard	44102
18	Martin J. Sweeney	3632 West 133rd Street	44111
19	Martin J. Keane	15907 Colletta Lane	44111

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

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
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability
 Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:

Architecture and Site Development – Robert Vitkas, Chief Architect, Manager
 Engineering and Construction – Richard J. Switalski, Manager
 Real Estate – James DeRosa, Commissioner

DEPT. OF LAW – Barbara A. Langhenry, Director, _____, Chief Counsel,
 Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
 Room 106; John Skrtic, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – James Hartley, Interim 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 – Tiffany White, 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 – Paul Bender, Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – Alex Margevicius, Interim Commissioner
 Water Pollution Control – Rachid Zoghaib, Commissioner

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

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Parking Facilities – Antionette Thompson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – _____, Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

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

DIVISIONS:

Air Quality – George Baker, Commissioner
 Environment – Pamela Cross, Commissioner, Mural Building, 75 Erieview Plaza
 Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

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

DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Daryl W. McGinnis, Chief, 1645 Superior Avenue
 Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner
 Fair Housing and Consumer Affairs Office – John Mahoney, Manager
 Neighborhood Development – Chris Garland, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner
 Construction Permitting – Narid Hussain, Commissioner

DEPT. OF HUMAN RESOURCES – Deborah Southerington, Director, Room 121

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

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

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: Mary Haas McGraw, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.F. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Jomarie Wasik, Law Director Barbara A. Langhenry; Council Member Eugene R. Miller.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry; Utilities Director Paul Bender; Council President Martin J. Sweeney.

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

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

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

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

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

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

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

AUDIT COMMITTEE – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Barbara A. Langhenry.

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

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Charles J. Bauernschmidt – Courtroom 12A

Judge Pinkey S. Carr – Courtroom 12B

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Gregory A. Sims – Chief Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

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WEDNESDAY, AUGUST 21, 2013

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CITY COUNCIL

WEDNESDAY AUGUST 14, 2013

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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

Sustainability Sub-Committee: Zone, Chair; Westbrook, Vice Chair; Cummins.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Wednesday, August 14, 2013

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

Council Members present: Dona Brady, Anthony Brancatelli, Joe Cimperman, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, T.J. Dow, Jeffrey D. Johnson, Kenneth L. Johnson, Martin J. Keane, Kevin J. Kelley, Eugene R. Miller, Mamie J. Mitchell, Michael D. Polensek, Terrell H. Pruitt, Zack Reed, Martin J. Sweeney, Jay Westbrook and Matthew Zone.

Also present were: Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Communications Maureen Harper, Chief of Sustainability Jenita McGowan, and Directors Langhenry, Dumas, Bender, Wasik, Flask, Rush, Southerington, Nichols, Brown, Fumich, and Ambroz.

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

MOTION

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

COMMUNICATIONS

File No. 1047-13.

From Jennifer E. Winter, Project Consultant for Archives Apartments/Welcome House, Inc., 2845 Franklin Boulevard, Cleveland, OH 44113 (Ward 3) — Notification of submission of application to Ohio Housing Finance Agency to utilize multi-family funding programs in this development. Received.

File No. 1048-13.

From Martin L. Flask, Director, Department of Public Safety, City of Cleveland — Notification of Acceptance of grant for the Department of Public Safety from the National Association of Drug Diversion Investigators. Received.

OATH OF OFFICE

File No. 1046-13.

Tiffany M. White — Commissioner of Division of Purchases and Supplies. Received.

STATEMENT OF WORK ACCEPTANCE

File No. 1045-13.

From Department of Public Utilities, City of Cleveland — Warehouse Improvements Project. Contractor: Panzica Construction Company. Contract: #PI2010000000044. Date of Acceptance: February 29, 2012. Received.

PLAT

File No. 1116-13.

Dedication Plat — Waverly Station Subdivision Phase 3, Bridge Avenue between West 57th Street and West 58th Street.

Approved by Committees on City Planning and Public Service. Without objection, Plat approved. Yeas 19. Nays. 0

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 1029-13.

RE: #2434309 — Transfer of Ownership Application, D5. E5 Capital Corp., d.b.a. Wexlers, 4555 State Road. (Ward 13). Received.

File No. 1030-13.

RE: #1434315 — Stock Application, D2 D2X D3 D3A D6. Chinato Limited, 2079 East 4th Street. (Ward 3). Received.

File No. 1031-13.

RE: #1269353 — Transfer of Ownership Application, C1. Carnegie Gas Inc., 8404 Carnegie Avenue. (Ward 6). Received.

File No. 1032-13.

RE: #4948435 — Transfer of Ownership Application, C2 C2X. Kwick Food Corporation, 3643 East 116th Street. (Ward 6). Received.

File No. 1033-13.

RE: #0605530 — Stock Application, D5 D6. Bellflower Investments LLC, 11401 Bellflower Road. (Ward 9). Received.

File No. 1034-13.

RE: #8827993 — New License Application, D5J. TBM Uptown LLC, d.b.a. Cleveland Beer Cellars, 11500 Euclid Avenue. (Ward 9). Received.

File No. 1035-13.

RE: #2805847 — Transfer of Location Application, D1 D2. Food Xpress and Gas Inc., d.b.a. Gas USA, 12307 St. Clair Avenue. (Ward 10). Received.

File No. 1036-13.

RE: #91152510005 — Transfer of Location Application, D5J D6. 2Celts Corp., Parnells At Playhouse, 1501 Euclid Avenue. (Ward 3). Received.

File No. 1037-13.

RE: #9009245 — New License Application, C1. Touma LLC, d.b.a. JJS Grab & Co., 4282 West 130th Street. (Ward 17). Received.

File No. 1038-13.

RE: #0079316 — Transfer of Ownership Application, C1. Ahmad Gas Inc., d.b.a. Liberty Gas, 3935 West 130th Street. (Ward 18). Received.

File No. 1039-13.

RE: #2621017 — Stock Application, D5J. Fairfield Investments LLC, 1305 Euclid Avenue. (Ward 3). Received.

File No. 1040-13.

RE: #2445788 — Transfer of Location Application, D2 D2X D3 D3A D6. Edwins Leadership and Restaurant Institute Inc., 13101 Shaker Square (Ward 4). Received.

File No. 1041-13.

RE: #5024319 — Transfer of Ownership Application, D5. Lap LLC, d.b.a. Tha Lap Bar & Grille, 6422 Storer Avenue. (Ward 14). Received.

File No. 1042-13.

RE: #7165681 — New License Application, C1. Raees Food Store Inc., 9800 9806-08 Almira Avenue. (Ward 16). Received.

File No. 1043-13.

RE: #01007780411 — Transfer of Location Application, C1 C2. Aldi Inc. Ohio, d.b.a. Aldi #25, 3586 Steelyard Drive. (Ward 3). Received.

File No. 1044-13.

RE: #8725043 — Transfer of Ownership Application, D5. Swagger Tavern LLC, 4301 State Road. (Ward 13). Received.

File No. 1073-13.

RE: #3306657 — Transfer of Ownership Application, C2 C2X. Grace Ohio Unlimited Inc., d.b.a. Kinsman Market, 3344 East 116th Street. (Ward 6). Received.

File No. 1074-13.

RE: #1428979 — Transfer of Ownership Application, D5. Chiefs Head-

quarters Inc., d.b.a. HQ Lounge, 3349 West 117th Street. (Ward 17). Received.

File No. 1075-13.

RE: #4465658 — Transfer of Location Application, D2 D2X D3 D3A. Kamms Red Lantern LLC, d.b.a. Kamms Red Lantern, 175446 Lorain Avenue. (Ward 19). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1119-13—Patricia Ann Gray (nee Jackson).

Res. No. 1120-13—Jeanette Odessa McDonald.

Res. No. 1121-13 — Eloise Marcus Anderson.

Res. No. 1122-13—James Richard Harris.

Res. No. 1123-13—Harold Martin, Sr.

Res. No. 1124-13—Dorothy Jane Lewis.

Res. No. 1125-13—Arnetta Jean Jordan.

Res. No. 1126-13—Elaine Frances Wharton Weatherly.

Res. No. 1127-13—Constance Edith Jackson.

Res. No. 1128-13—Angela Deskins.

Res. No. 1129-13—Shirelida H. Terry.

Res. No. 1130-13—Shetisha Sheeley.

Res. No. 1131-13—Lonnie Burten, Sr.

Res. No. 1132-13—Pastor Leon Stallworth.

Res. No. 1133-13—Pinkie Newcomb.

Res. No. 1134-13—Lucy B. (Harville) Wilkerson.

Res. No. 1135-13—Java C. Bowling, III.

Res. No. 1167-13—Reverend Roland V. Anderson.

Res. No. 1173-13—Frances Heyer.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1136-13—The Great Lakes Towing Company & Great Lakes Shipyard — 115th Anniversary.

Res. No. 1137-13—Luticia Mae Green.

Res. No. 1138-13—Ellen (Griggs) Adams.

Res. No. 1139-13—The Society of St. E Premte — 75th Anniversary.

Res. No. 1140-13—Bertha Ragland Nelson.

Res. No. 1141-13—Ramesh U. Patel.

Res. No. 1142-13—John Kastelic.

Res. No. 1143-13—Notre Dame - Cathedral Latin School — 25th Anniversary.

Res. No. 1144-13—Bishop Gabriel S. Halton.

Res. No. 1145-13—Marvin Braxton a.k.a. "Crazy Marvin".

Res. No. 1146-13—Donnaire André Woullard.

Res. No. 1147-13—Puerto Rican Parade & Latino Fest — 45th Annual.

Res. No. 1148-13—Cedar's Finest/The Jaber Family.

Res. No. 1149-13—Cleveland Chemical Pest Control, Inc. — 110th Anniversary.

RECOGNITION RESOLUTIONS

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

Res. No. 1150-13—Sandy Buchanan.

Res. No. 1151-13—Maurice Reedus, Jr. a.k.a. "Sax Man".

Res. No. 1152-13—A Christmas Story — 30th Anniversary.

Res. No. 1153-13—The Szmagala Family.

Res. No. 1154-13—Rev. Eugene C. Griggs.

Res. No. 1155-13—Jacqui Knettel.

Res. No. 1156-13—Jim Brewer.

Res. No. 1174-13—Marge Sweeney.

APPRECIATION RESOLUTIONS

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

Res. No. 1157-13—Brian G. Donley, M.D.

Res. No. 1158-13—Helen Knipe Smith.

Res. No. 1159-13—Shirley Taylor.

Res. No. 1160-13—Noah Sutton.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1076-13.**

By Council Member Miller.

An emergency ordinance to amend Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1003-06 passed July 12, 2006 relating to disposal of used tires; reporting.

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

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

Section 1. That Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1003-06 passed July 12, 2006 is hereby amended to read as follows:

Section 551.38 Disposal of Used Tires; Reporting

(a) *Registration.* No person, firm, or corporation shall accept for disposal more than five (5) automobile, truck, motorcycle, or bicycle tires in any one (1) calendar month in any one (1) year unless and until the person, firm, or corporation has registered with the Commissioner of Assessments and Licenses as a source of waste tires. The Commissioner of Assessments and Licenses shall furnish a registration form for the purposes of the registration, and, upon the payment of a fee of one hundred dollars (\$100.00), shall issue a certificate of registration, which may apply to all locations at which the registrant does business. Registrations shall be renewed annually. The form for registration shall contain the name and address of the registrant, and if a partnership, the names and addresses of all partners, and if a corporation, the name of the corporation and the names and addresses of the officers and the statutory agent and shall contain additional information as deemed necessary by the Commissioner of Assessments and Licenses. Copies of all certificates of registration issued by the Commissioner of Assessments and Licenses shall be provided to the Commissioner of Environment; **the**

Commissioner of Assessments and Licenses shall also provide a copy of any certificate of registration to the Council member in whose ward the registrant's premises is located.

(b) *Reporting.* Except as provided in this section, all persons, firms, or corporations registered under division (a) of this section shall report tire disposal activity to the Commissioner of Environment by submitting a monthly tire disposal report to the Commissioner of Environment on a form promulgated by the Commissioner for that purpose. The monthly tire disposal report form shall contain the date and time that tires were hauled off the registrant's premises during the previous month. The form shall also require disclosure of the identity of each waste hauler transporting tires off the registrant's premises, and the license tag number of each truck used to transport tires off the registrant's premises. The monthly tire disposal report form shall cover a calendar month and be submitted to the Commissioner of Environment no later than ten (10) days after the last date of the calendar month in question. **The Commissioner of the Environment shall provide a copy of every tire disposal report submitted by the registrant to the Council member in whose ward the registrant's premises is located.**

(c) If a person, firm or corporation operating a repair garage as defined in Section 325.30 disposes of its tires exclusively by contract with a tire disposal entity registered under division (a) above, and a copy of the contract is filed with the Commissioner of Assessments and Licenses with the registration required under division (a) above, then the person, firm, or corporation is not required to report as required in division (b) above.

(d) No person, firm, or corporation who disposes of tires shall fail to register as a source of waste tires as provided in division (a) of this section, or fail to submit monthly tire disposal report forms to the Commissioner of Environment as provided in division (b) of this section, or fail to provide complete information required by the forms.

(e) No person, firm, or corporation shall engage another for the purpose of hauling waste tires unless the waste hauler is licensed under Section 551.19 et seq. of this chapter.

(f) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree

Section 2. That existing Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1003-06 passed July 12, 2006 is hereby repealed.

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

Referred to Directors of Public Works, Public Health, Finance, Law; Committees on Public Service, Health and Human Services, Finance.

Ord. No. 1077-13.

By Council Member J. Johnson.

An emergency ordinance designating Bethany Baptist Church, formerly Zion Evangelical Church, as a Cleveland Landmark.

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

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on May 9, 2013 to discuss the proposed designation of Bethany Baptist Church, formerly Zion Evangelical Church, as a landmark; and

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

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

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

Section 1. That Bethany Baptist Church, formerly Zion Evangelical Church, whose street address in the City of Cleveland is 1207-25 East 105th Street, also known as 10500-12 Hampden Avenue, N. E., and 10501 Olivet Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Numbers are 109-18-001, 109-18-002, 109-18-003, 109-18-004, and 109-18-005 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot Nos. 48, 49, 50, 134, 135, and 136 in Morison and Glens Boulevard Park Allotment of part of Original 100 Acre Lot No. 378, as shown by the recorded plat in Volume 19 of Maps, Page 26 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 209.54 feet on the Easterly side of East 105th Street (formerly Doan Street), and extending back 129.77 feet deep on the Northerly line, which is also the Southerly side of Hampden Avenue, N. E., (formerly Mansion Street), 130 feet on the Southerly line, which is also the Northerly side of Olivet Avenue, N. E., and having a rear line of 207.43 feet, as appears by said plat, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency 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 City Planning Commission, Law; Committees on City Planning, Finance.

Ord. No. 1078-13.

By Council Member J. Johnson.

An emergency ordinance designating Central Christian Church, formerly known as Glenville Church of Christ Disciple, as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Central Christian Church, formerly known as Glenville Church of Christ Disciple, as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on May 9, 2013 to discuss the proposed designation of Central Christian Church, formerly known as Glenville Church of Christ Disciple, as a landmark; and

Whereas, the Commission has recommended designation of Central Christian Church, formerly known as Glenville Church of Christ Disciple, as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That Central Christian Church, formerly known as Glenville Church of Christ Disciple, whose street address in the City of Cleveland is 697 East 105th Street, also known as 10501-15 Helena Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 108-25-058 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of Sublot No. 335, all of Sublot No. 336, and the Southerly 20 feet from front to rear of Sublot No. 337 in the Cleveland Realty Company Subdivision of a part of Original 100 Acre Lots 370 and 362, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 105th Street (formerly Doan Street) (66 feet wide) at its intersection with the Northerly line of Helena Avenue (formerly Helena Street) (50 feet wide); thence Northerly along the Easterly line of East 105th Street, 60 feet to a point; thence Easterly and parallel to the Northerly line of Helena Avenue, 144 feet to the Westerly line of Sublot No. 335; thence Northerly along the Westerly line of Sublot No. 335, about 62.08 feet to the most Northerly corner of Sublot No. 335; thence Southeasterly along the Northeasterly line of Sublot No. 335, 36.64 feet to the Northeasterly corner thereof; thence Southerly along the Easterly line of Sublot No. 335, 111.14 feet to the Northerly line of Helena Avenue; thence Westerly along the Northerly line of Helena Avenue, about 179 feet to the Easterly line of East 105th Street, and the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency 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 City Planning Commission, Law; Committees on City Planning, Finance.

Ord. No. 1079-13.

By Council Member J. Johnson.

An emergency ordinance designating the Otto Narveleit Building as a Cleveland Landmark.

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

Whereas, the owner of the Otto Narveleit Building has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Otto Narveleit Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That the Otto Narveleit Building, whose street address in the City of Cleveland is 10123-25 St. Clair Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 108-09-036, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being the Southeasterly 95 feet of Sublot No. 2 in W. H. Van Tine, Jr. Trustee's Allotment of part of Original 100 Acre Lot Nos. 361 and 369, as shown by the recorded plat in Volume 17 of Maps, Page 29 of Cuyahoga County Records, and being 40 feet front on the Northwesterly side of St. Clair Avenue, and extending back of equal width 95 feet, as appears by said plat, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural

characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency 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 City Planning Commission, Law; Committees on City Planning, Finance.

Ord. No. 1092-13.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property for future redevelopment at 3813 Euclid Avenue, for the Department of Economic Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to The Chesler Group, Inc. or its designee, which is not needed for the City's use.

Whereas, the Director of Economic Development has requested the acquisition from Stager-Beckwith Associates, LTD., or its designee (the "Seller") of property located at 3813 Euclid Avenue for future redevelopment; and

Whereas, the Director of Economic Development has requested the sale of the property, which is not needed for the City's use, to The Chesler Group, Inc., 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 acquire the following described property for future redevelopment:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 10 Acre Lot No. 93 and bounded and described as follows: Beginning on the Northerly line of Euclid Avenue at the Southeasterly corner of land conveyed to The University Club Company by deed dated July 20, 1914 and recorded in Volume 2630, Page 122 of Cuyahoga County Records; thence Westerly along the Northerly line of Euclid Avenue, 238.60 feet to the Southwesterly corner of land conveyed to The University Club Company as aforesaid; thence Northerly along the Westerly line of land so conveyed, 572.94 feet to the Southerly line of Chester Avenue, N.E., 86 feet wide; thence Easterly along the Southerly line of Chester Avenue, N.E., about 238.14 feet to its intersection with the Easterly line of land conveyed to the University Club Company as aforesaid; thence Southerly along the Easterly line of land so conveyed, 588.35 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, record, 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 and conveyance of the property.

Section 3. That the consideration to be paid for this property for acquisition shall not exceed fair market value as determined by the Board of Control.

Section 4. 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 not less than fair market value determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

Section 5. 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 6. That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

Section 7. That the Director of Economic Development is authorized to enter into the necessary agreements with the Seller and the Redeveloper which shall include the terms and conditions of the transactions authorized by this ordinance.

Section 8. That any payments received through the conveyance authorized by this ordinance will be deposited into Fund No. 18 SF 002. Proceeds received through the conveyance shall be used by the Department of Economic Development towards payment of debt obligations.

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

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

Ord. No. 1093-13.

By Council Members Cleveland, Mitchell and Kelley (by departmental request).

An emergency ordinance to amend Section 337.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 814-10, passed October 4, 2010; and to supplement the codified ordinances by enacting new Section 337.26 relating to home occupations.

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 337.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 814-10, passed October 4, 2010 is amended to read as follows:

Section 337.23 Accessory Uses in Residence Districts

(a) *Permitted Accessory Uses.* The following accessory uses and buildings are permitted in a Residence District. Such permitted accessory buildings shall be located on the rear half of the lot, a minimum of eighteen (18) inches from all property lines and at least ten (10) feet from any main building on an adjoining lot in a Residence District. Accessory buildings shall not occupy more than forty percent (40%) of the area of the required rear yard and, in the case of a corner lot, shall be located back of any required setback or specific building line. For side street yard regulations consult Sections 357.05 to 357.07.

(1) Home occupations are permitted as accessory uses in Residence Districts in accordance with the regulations of Section 337.26.

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

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

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

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

A. In a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which event the floor area may be increased in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area.

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

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

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

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

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

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

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

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

Section 2. That existing Section 337.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 814-10, passed October 4, 2010 is repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 337.26 to read as follows:

Section 337.26 Home Occupations

(a) *Purpose.* These regulations are established to permit residents to engage in home occupations in a manner that preserves the residential character of the property and avoids safety hazards and disturbances to neighbors.

(b) *Definition.* "Home occupation" means a business activity conducted by the occupant of a residence as an accessory use on the premises of the residence.

(c) *Permitted Uses.* Permitted home occupations are those that comply with the regulations of this section.

(d) *Prohibited Uses.* Prohibited home occupations, generally, are those that fail to comply with the regulations of this section and, specifically, include kennels, animal hospitals, veterinary offices, pet sales, firearms sales, liquor sales, night-clubs, adult entertainment, and the servicing of motor vehicles, lawn mowers, boat engines and washing machines, dryers and other large appliances.

(e) *Size and Location.* A home occupation or home occupations shall occupy no more than twenty-five percent (25%) of the floor area of the residential unit in which the home occupation is located. Garage space, unfinished attic space and unfinished basement space shall be excluded from the total floor area of a residence for purposes of this calculation. A home occupation may also be located, in whole or in part, in a permitted accessory building, such as a garage or shed. If located in a garage, the home occupation shall be limited in size so that at least one parking space remains available in the garage for each residential unit to which the garage is accessory. No activities of the home occupation shall take place in outdoor areas except for permitted agricultural uses.

(f) *On-Premise Sales and Services.* Items offered for sale on the premises shall be limited to those produced or assembled on the premises, where the majority of the value of the item is created by the on-premise work. On-premise retail sales and on-premise services shall be limited to customers and clients who are seen by appointment only and not on a "walk-in" basis. No more than four (4) individuals shall be on premises at any time as customers, clients or those accompanying a customer or client. No more than two (2) motor vehicles associated with customers or clients shall be on the premises or in proximity at any one time. No on-premise sales or service shall take place before 8 a.m. or after 9 p.m. No on-premise sales or services shall be permitted without a

Certificate of Occupancy issued in accordance with the provisions of division (o) of this section.

(g) *Employees.* Not more than one (1) non-resident employee may work at any one time in home occupations located in a particular residential unit.

(h) *Residential Compatibility.* A home occupation shall not produce any noise, vibration, smoke, odor, glare, electrical interference or other impact that causes a nuisance or disturbance to nearby residences to any degree greater than that associated with typical residential use of the subject property.

(i) *Signs and Exterior Alterations.* There shall be no signs visible from exterior areas identifying or advertising the home occupation, other than a permitted nameplate that may display the name, address and/or profession of the occupant. Such nameplate may be freestanding, or may be mounted to a wall or placed in a window and shall not exceed two (2) square feet in size. If freestanding, the nameplate shall not be more than three (3) feet in height and shall be set back at least five (5) feet from all lot lines. Similarly, there shall be no alterations to the residence or to the property that give a commercial appearance to the property, including the paving of required yard areas for parking.

(j) *Vehicles.* No more than one vehicle used for home occupations shall be stored on the property of the residence. No vehicle stored or used on the property for the home occupation shall exceed one-and-a-half (1 1/2) tons in weight.

(k) *Home Day Care.* Home day care for five (5) or fewer children is permitted in accordance with the Ohio Revised Code. Home day care for six (6) or more children is not permitted unless approved by the Board of Zoning Appeals in accordance with the provisions of division (g) of Section 337.02 regarding "day nurseries."

(l) *Agriculture.* Agricultural activities are permitted in accordance with the regulations of Sections 337.25 and 347.02.

(m) *Hazardous Substances and Activities.* No hazardous substances shall be stored or used on the premises of a home occupation other than of the types and quantities typical of residential use of the property. No equipment used for a home occupation shall pose hazards of explosion or fire to a greater extent than that associated with equipment typical of residential use of the property.

(n) *Residences in Two-Family and Multi-Family Buildings.* For residences in a two-family, three-family or multi-family building in a Residence District, all of the regulations of this section pertaining to home occupations shall apply except that no on-premise sales and services to customers or clients shall be permitted.

(o) *Certificates of Occupancy.* A Certificate of Occupancy shall be obtained for the conduct of any home occupation that includes on-premise sales or services. The application for such Certificate shall describe the nature of the on-premise sales or services and shall demonstrate compliance with the provisions of this section.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

tive vote of two-thirds of all the 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 City Planning Commission, Finance, Law; Committees on Legislation, Finance.

Ord. No. 1094-13.

By Council Members Conwell, Mitchell and Kelley (by departmental request).

An emergency ordinance to amend Section 625.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 834-03, passed June 10, 2003, relating to petty theft.

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 625.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 834-03, passed June 10, 2003, is amended to read as follows:

Section 625.05 Petty Theft

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

(b) This section shall not apply if the value of the property involved is **One Thousand Dollars (\$1,000.00)** or more, or is any of the property listed in Section 625.04.

(c) This section shall not apply if the victim of the offense is an elderly person or disabled adult.

(d) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree.

Section 2. That existing Section 625.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 834-03, passed June 10, 2003, 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.

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

Ord. No. 1095-13.

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

An emergency ordinance to amend the titles and various sections of Ordinance No. 903-07, passed June 11, 2007 and Ordinance No. 1362-12, passed November 26, 2012, relating to Steelyard Commons.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the title and Sections 1, 3, and 8 of Ordinance No. 903-07, passed June 11, 2007, are amended to read as follows:

An Emergency Ordinance authorizing the Director of **Capital Projects** to accept a grant from **Steelyard Outlots LLC, or their designee**, to acquire property from the State of Ohio located in the vicinity of Quigley and Jennings Road for improvements to the Steelyard Commons commercial center for the **Office of Capital Projects**; authorizing the Commissioner of Purchases and Supplies to acquire the property; authorizing the Commissioner of Purchases and Supplies to convey the property to **Steelyard Outlots LLC, or their designee**; and authorizing an Agreement between the City and **Steelyard Outlots LLC, or their designee**.

Section 1. That the Director of **Capital Projects** is authorized to accept grant funds in the amount of \$71,500,00, from **Steelyard Outlots LLC, or their designee**, ("Steelyards"), to acquire the following properties from the State of Ohio for redevelopment (the "Property"); that the Director of **Capital Projects** 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 3. That the Director of **Capital Projects** is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the Property from the State of Ohio, to convey the Property to **Steelyards**, and to employ and pay all fees for title companies, surveys, escrows, appraiser, environmental audits, and all other costs necessary for the acquisition of the Property.

Section 8. That the Director of **Capital Projects** is authorized to enter into an Agreement with **Steelyards** which shall include the terms and conditions of the transaction authorized by this ordinance, including but not limited to, the financial transaction.

Section 2. That the existing title and Sections 1, 3, and 8 of Ordinance No. 903-07, passed June 11, 2007, are repealed.

Section 3. That the title, the first, second, and third whereas clauses, and Sections 1, 4, 6, and 8 of Ordinance No. 1362-12, passed November 26, 2012, are amended to read as follows:

An Emergency Ordinance authorizing the Commissioner of Purchases and Supplies to acquire property from **Steelyard Outlots LLC, or their designee** and the State of Ohio at Quigley Road and Steelyard Commons Drive to finalize right-of-way dedications at Steelyard Commons; authorizing the Director of Capital Projects to execute a deed of easement granting to **Steelyard Outlots LLC, or their designee** certain easement rights in property located in Quigley Road and Steelyard Commons Drive, and declaring that the easement rights granted are not needed for the City's public use; and authorizing agreements for other land donations among parties that are necessary to finalize right-of-way dedications at Steelyard Commons.

Whereas, the Director of Capital Projects has requested the acquisi-

tion of property, at no cost to the City, which is located at Quigley Road and Steelyard Commons Drive from **Steelyard Outlots LLC, or their designee** ("Steelyards") and the State of Ohio to finalize right-of-way dedications at Steelyard Commons; and

Whereas, **Steelyards** has requested the Director of Capital Projects to convey certain easement rights in property located in Quigley Road and Steelyard Commons Drive; and

Whereas, **Steelyards** requires an easement to install signage, and for electrical and maintenance activities at Quigley Road and Steelyard Commons Drive; and

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire, at no cost to the City, the following described property from **Steelyards** and the State of Ohio at Quigley Road and Steelyard Commons Drive to finalize right-of-way dedications at Steelyard Commons:

Parcel 1-WDV

Situated in the State of Ohio, City of Cleveland, County of Cuyahoga, Brooklyn Township, T7N, R13W, Lots 72 and 85 and being more fully described as follows:

Being a parcel of land lying on the left and right sides of the proposed centerline of right of way of CUY-QUIGLEY ROAD CONNECTOR as surveyed by URS Corporation and recorded as Image No. _____ of the Cuyahoga County Records and being located within the following described points on the boundary thereof;

Beginning for record at the southeast corner of Sublot 15 in the Nicola & Judson Allotment as recorded in Volume 5, Page 7 of the Cuyahoga County Records, said point being 61.83 feet left of Station 18+07.38 on the proposed centerline of right of way of Quigley Road Connector and the TRUE POINT OF BEGINNING of the parcel described herein;

Thence North 01 degrees 51 minutes 47 seconds West, 92.57 feet along the east line of said Sublot 15 to iron pin to be set;

Thence North 52 degrees 50 minutes 39 seconds East, 26.74 feet to an iron pin to be set;

Thence North 37 degrees 47 minutes 01 seconds East, 61.38 feet to an iron pin to be set;

Thence North 02 degrees 53 minutes 26 seconds West, 55.15 feet to an iron pin to be set on the south line of an unrecorded allotment;

Thence North 88 degrees 10 minutes 12 seconds East, 801.45 feet along the south line of an unrecorded allotment to iron pin found;

Thence South 44 degrees 16 minutes 13 seconds West, 231.85 feet along Grantor's southeast property line to a point on the Grantor's easterly line;

Thence South 30 degrees 11 minutes 53 seconds West, 100.47 feet along the Grantor's easterly property line, to an iron pin to be set on the proposed south right of way line of the Quigley Road Connector;

Thence South 69 degrees 37 minutes 09 seconds West, 697.21 feet along the proposed south right of way line of the Quigley Road Connector to an iron pin to be set;

Thence South 81 degrees 25 minutes 25 seconds West, 335.14 feet along the proposed south right of way line of the Quigley Road Connector to an iron pin to be set;

Thence South 45 degrees 54 minutes 20 seconds West, 55.95 feet along the proposed south right of way line of the Quigley Road Connector to an iron pin to be set;

Thence South 86 degrees 22 minutes 47 seconds West, 205.98 feet along the proposed south right of way line of the Quigley Road Connector to an iron pin to be set;

Thence North 16 degrees 55 minutes 39 seconds East, 114.48 feet along Grantor's west property line to an iron pin to be set;

Thence North 25 degrees 21 minutes 38 seconds West, 66.90 feet along Grantor's west property line to an iron pin to be set;

Thence North 67 degrees 02 minutes 55 seconds West, 106.52 feet along Grantor's west property line to an iron pin to be set;

Thence North 88 degrees 03 minutes 33 seconds East, 301.58 feet along Grantor's north property line to an iron pin to be set;

Thence North 01 degrees 56 minutes 31 seconds West, 110.11 feet along Grantor's west property line to an iron pin to be set on the south line of a one foot reserved strip acquired by the State of Ohio per AFN 200411100762 in the records of Cuyahoga County and the Grantor's northerly property line;

Thence North 88 degrees 03 minutes 33 seconds East, 307.65 feet along the south line of said one foot reserved strip and the Grantor's northerly property line to an iron pin to be set;

Thence North 88 degrees 08 minutes 13 seconds East, 77.70 feet along the south line of said one foot reserved strip and the Grantor's property line to an iron pin to be set;

Thence North 01 degrees 51 minutes 47 seconds West, 15.00 feet along Grantor's property line to the TRUE POINT OF BEGINNING containing 8.965 acres (390,536 sq. ft.) more or less, 5.625 acres being contained within Lot 85 and 3.340 acres being contained within Lot 72.

The above described area is contained within Cuyahoga County Auditor's Permanent Parcel No. 008-36-003.

Based on a field survey conducted by URS Corporation in November 2004 under the direction and supervision of Mark Lukosavich, Registered Surveyor No. 8088 in the State of Ohio.

Bearings used herein are based on Grid North of the State Plane Coordinate system NAD83(Cors96) Ohio North Zone.

All iron pins referenced herein are 3/4 inch diameter x 30 inch long iron bars with a 2-1/2 inch aluminum cap stamped "URS CORP., P.S. 8088", to be set after construction.

This description was prepared and reviewed on January 4, 2006 for URS Corporation by Kurt Massar, Registered Surveyor No. 7667 in the State of Ohio.

**Part of Parcel 500 - WL
Parcel No. 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of Original Brooklyn Township Lot No. 72 and bounded and described as follows:

Beginning in the Easterly line of West 14th Street, 100 feet wide, at the Southwesterly corner of Sublot No. 4

in the J.M. Curtiss Resubdivision recorded by plat in Volume 14 of Maps, Page 20 of Cuyahoga County Records; thence Southerly along the Easterly line of West 14th Street, 15 feet to a point; thence Easterly on a line parallel with the Southerly line of said J.M. Curtiss Resubdivision and along the Southerly line of the Nicola and Judson Subdivision of part of said Original Lot No. 72 recorded in plat in Volume 5 of Maps, page 7 of Cuyahoga County Records, to the Southerly Prolongation of the Easterly line of Sublot No. 15 in said Nicola and Judson Subdivision; thence Northerly along said Southerly prolongation of said Easterly line Sublot 15, one foot; thence westerly on a line parallel with the Southerly lines of the aforementioned Nicola and Judson Subdivision and the J.M. Curtiss Resubdivision to a point which is distant one foot Easterly from the Easterly line of West 14th Street; thence Northerly on a line parallel with Easterly line of West 14th Street, 14 feet to the Southerly line of said Sublot No. 4 in the J.M. Curtiss Resubdivision; thence westerly along the Southerly line of said Sublot No. 4 one foot to the place of beginning, and being known as the one foot reserved strip shown in the plat of Nicola and Judson Subdivision of part of Original Brooklyn Township Lot No. 72 recorded in Volume 5 of Maps, Page 7 of Cuyahoga County Records be the same more or less but subject to all legal highways.

The above described area is contained within Auditor's Parcel Number 008-13-017.

The intent of the above description is to acquire all rights the State of Ohio, Department of Transportation, has or should have had to "Parcel No. 2" per Instrument # 200411100762 of the Cuyahoga County Recorder records.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 4 in J.M. Curtis Re-allotment and part of Original Brooklyn Township Lot No. 72, as shown by the recorded plat of said re-allotment in Volume 14 of Maps, page 20 of Cuyahoga County Records.

The above described area is contained within Auditor's Parcel Number 008-13-016.

The intent of the above description is to acquire all rights the State of Ohio, Department of Transportation, has or should have had to "Parcel No. 3" per Instrument # 200411100762 of the Cuyahoga County Recorder records.

Parcel No. 3

Situated in the County of Cuyahoga and State of Ohio and the City of Cleveland and known as being part of sublots 24 and 25 in Nicola and Judson Allotment, recorded in Volume 5, Page 7 of Cuyahoga County Record of Maps and further described as having a frontage of 100.04 feet along a 14 foot Alley and being 73.09 feet along its Easterly line and 72.45 feet along its Westerly line.

The above described area is contained within Auditor's Parcel Number 008-13-020.

The intent of the above description is to acquire all rights the State of Ohio, Department of Transportation, has or should have had to "Parcel No. 4" per Instrument # 200411100762 of the Cuyahoga County Recorder records.

Part of a vacated unnamed alley Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, known as being part Original Lot No. 72 of Brooklyn Township, being part of an unnamed alley as shown on the Nicola and Judson Allotment as recorded in Plat Volume 5, Page 7 of the Cuyahoga County Recorder records, and further described as follows:

Being the southerly 7 feet of a portion of a vacated 14 foot unnamed alley as vacated per City of Cleveland Ordinance No. 14-06 as passed by the Council of the City of Cleveland the 9th day of January, 2006.

Being a strip of land approximately 251 feet long and 7 feet wide and containing about 1756 square feet of land, more or less, subject to survey.

The above described area is not part of any current Cuyahoga County Auditor parcel number at this time.

The intent of the above described parcel is to transfer any and all rights the State of Ohio, Department of Transportation, has or may have had in the vacated southerly half of the portion of the unnamed vacated alley described above.

New PPN: 008-13-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Consolidated Parcel "CC" in the Lot Split and Consolidation Plat of part of Original Brooklyn Township Lot No. 72 as shown by the recorded plat in Volume 353 of Maps, Page 50 of Cuyahoga County Records, as appears by said plat.

Section 4. That the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to Steelyards subject to any conditions stated in this ordinance, at a price of \$1.00 and for other valuable consideration, which is determined to be fair market value.

Section 6. That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Capital Projects; that the easement shall require that Steelyards provide reasonable insurance, maintain any Steelyards improvements located within the easement; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

Section 8. That the Director of Capital Projects is authorized to enter into one or more agreements with the State of Ohio and/or Steelyards for additional land donations from the State of Ohio and/or Steelyard Commons LLC that may be necessary to finalize right-of-way dedications at Quigley Road, Steelyards Common Drive and Jennings Road in the vicinity of Steelyard Commons.

Section 4. That the existing title, the first, second, and third whereas clauses, and Sections 1, 4, 6, and 8 of Ordinance No. 1362-12, passed November 26, 2012, are repealed.

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 Capital Projects, City Planning Commission, Finance, Law; Committees on City Planning, Finance.

Ord. No. 1096-13.

By Council Members Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to amend Section 17 of Ordinance No. 908-12, passed August 8, 2012, relating to the Denison Avenue underground ductbank and resurfacing 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 Section 17 of Ordinance No. 908-12, passed August 8, 2012 is amended to read as follows:

Section 17. That the cost of the Improvement, contracts, property acquisition, or other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, **52 SF 001**, 58 SF 230 and from the fund or funds which are credited the funds received under the Local Public Agency Agreement with the Ohio Department of Transportation authorized by this ordinance and which funds are appropriated for this purpose. Request No. RQS 0103, RL 2012-118.

Section 2. That existing Section 17 of Ordinance No. 908-12, passed August 8, 2012 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.

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

Ord. No. 1097-13.

By Council Members Conwell and Kelley (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 FY 2013 Byrne Justice Assistance Grant (JAG) Local Solicitation; and authorizing one or more contracts with Cuyahoga County and the City of Euclid needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$575,306, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 2013 Byrne Justice Assistance Grant (JAG) Local Solicitation; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds

are appropriated for the purposes described in the grant application for the grant contained in the file described below.

Section 2. That the grant application for the grant, File No. 1097-13-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County and the City of Euclid needed to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the costs of the 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 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1098-13.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Public Utilities Commission of Ohio for the Hazardous Materials Training Program; and authorizing one or more contracts with Cleveland State University to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$20,250.00, and any other funds that become available during the grant term, from the Public Utilities Commission of Ohio, to conduct the Hazardous Materials Training 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 award letter and grant agreement for the grant contained in the file described below.

Section 2. That the award letter and grant agreement for the grant, File No. 1098-13-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Cleveland State University to provide the training as described in the file.

Section 5. That the contract or contracts shall be prepared by the Director of Law.

Section 6. That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds and cash match accepted under this ordinance.

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

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

Ord. No. 1099-13.

By Council Members Sweeney, Brady, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for resurfacing West 130th Street from Brookpark Road to Lorain Avenue in the City of Cleveland; authorizing the Director of Capital Projects to enter into any relative agreements; to apply for and accept an allocation of County Motor Vehicle License Tax funds and any gifts or grants for this purpose from any public or private entities; authorizing one or more contracts with consultants; authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement; and causing payment of the City's share of the Improvement.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: resurfacing West 130th Street from Brookpark Road to Lorain Avenue (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the County of Cuyahoga to use the

License Tax Fund for the Improvement. If funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds will be deducted from designated project costs prior to the application of the participatory percentages. The County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvements, under current Cuyahoga County standards for construction of County roads and bridges. The County will arrange for the supervision and administration of the construction contract. That within the corporate limits of the City, the City agrees to contribute 20% of the cost of construction, including construction supervision, up to a maximum of \$1,000,000. The County shall contribute 100% of the cost of engineering and 80% of the cost of construction, including construction supervision, which is determined to be eligible by the Cuyahoga County Engineer's policies. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the County necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency; and

(f) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the City will arrange for its acquisition.

(c) That the street within the limits of the Improvement is designated a through highway as provided in Section 4511.07(A)(6) of the Revised Code.

(d) That the County shall continue to maintain the structural elements of any bridge within the limits of the Improvement under applicable sections of the Revised Code.

(e) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's **Real Estate Policies and Procedures Manual**, whether inside or outside the corporate limits, as may be necessary to conform to the improvement.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's **Real Estate Policies and Procedures Manual** to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(i) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid Manual are met.

(j) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

Section 6. That the Director of Capital Projects is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 7. That this Council requests the County to proceed with the Improvement.

Section 8. That the City gives consent to the County to apply for and accept Ohio Public works commission

Issue 1 funds to partially finance the Improvement.

Section 9. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 10. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 11. That the Director of Capital Projects, when necessary, is authorized to cause payment to the Greater Cleveland Regional Transit Authority, and other entities or payment of any services which were necessary to construct the Improvement described in this ordinance.

Section 12. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property and easements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value.

Section 13. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 14. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 15. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and 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 16. That this Council authorizes payment to the County of the City's share of the Improvement.

Section 17. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 18. That the cost of the contracts, payments, property acquisition, cash matches, and other expenditures authorized shall be paid from the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, motor vehicle funds, and from Fund Nos. 20 SF 510, 20 SF 520, 20 SF 524, 20 SF 528, 20 SF 534, 20 SF 540, and 20 SF

546, Request No. RQS 0103, RL 2013-128.

Section 19. 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 Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 1100-13.

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

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for the repair of the Tower City Bridge Complex; authorizing the Director of Capital Projects to enter into any relative agreements; to apply for and accept any gifts or grants for this purpose from any public or private entities; authorizing one or more contracts with consultants and agreements with public and private entities; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repair of the Tower City Bridge Complex which consists of Huron Road, Prospect Avenue, West 6th Street, West 3rd Street, and West 2nd Street near Greater Cleveland Regional Transit Authority Rapid Transit Station (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes.

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the installation of all utility facilities, relocation, and reimbursement on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That the Director of Capital Projects is authorized to enter into contracts with Ohio Department of Transportation ("ODOT") pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the State necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 8. That this Council requests the State to proceed with the Improvement.

Section 9. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants avail-

able for employment as may be determined after a full and complete canvass by the Director of Capital Projects 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 shall be prepared by the Director of Law, approved by the Director of Capital Projects and certified by the Director of Finance.

Section 10. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 11. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 12. That the Director of Capital Projects, when necessary, is authorized to cause payment to the Greater Cleveland Regional Transit Authority, and other entities or payment of any services which were necessary to construct the Improvement described in this ordinance.

Section 13. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property and easements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value.

Section 14. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 15. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 16. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and 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 17. That the cost of the contracts, payments, property acquisition, cash matches, and other expenditures authorized shall be paid from the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, and Fund Nos. 20 SF 510, 20 SF 520, 20 SF 524, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, and 20 SF 554, RQS 0103, RL 2013-130.

Section 18. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 19. 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 Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 1101-13.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the State of Ohio for the FY 2014 Cleveland High Visibility Enforcement Overtime Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$70,159.17, and any other funds that may become available during the grant term from the State of Ohio to conduct the FY 2014 Cleveland High Visibility Enforcement Overtime 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, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1101-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

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.

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

Ord. No. 1102-13.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospitals for the FY 2014 Cuyahoga County OVI Task Force Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$17,039.77, and any other funds that may become available during the grant term from University Hospitals to conduct the FY 2014 Cuyahoga County OVI Task Force 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 proposed planning sheet for the grant contained in the file described below.

Section 2. That the proposed planning sheet for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1102-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

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.

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

Ord. No. 1103-13.

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

An emergency ordinance authorizing the Director of Community Development to execute a deed of easement granting to Dominion East Ohio Gas certain easement rights in a portion of City-owned property known as Permanent Parcel No. 110-24-024 and declaring the easement rights not needed for the City's use.

Whereas, Dominion East Ohio Gas ("Dominion") has requested the Department of Community Development to convey certain easement rights in a portion of City-owned property which is currently in the Residential Land Bank as set forth in Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, and is known as Permanent Parcel No. 110-24-024; and

Whereas, Dominion requires the easement to reconstruct its pipeline along East 123rd Street and to allow for ongoing maintenance; and

Whereas, the easement rights to be granted are not needed for the City's use; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for the City's use:

PARTIAL EASEMENT FOR PERMANENT PARCEL NUMBER 110-24-024

SITUATED in the City of Cleveland, Cuyahoga County, Ohio, conveyed to Grantor by Gerald T. McFaul, Sheriff, under the date of November 24, 1981 and recorded in the office of the clerk of the Cuyahoga County Recorder in Volume 15601, Page 325, Permanent Parcel Number 110-24-024, Located at East 123rd Street, Cleveland, Ohio.

The pipeline laid pursuant to this agreement is to be located within the limits of an easement of a width deemed necessary by the Grantee, but in no event to exceed ten (10) feet. Said Easement beginning at the southwest corner of PPN: 110-24-024 and running northerly along the west property line approximately 10'.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement to Dominion, subject to any conditions stated in this ordinance, at a price to be determined by the Board of Control.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to allow Dominion to reconstruct its pipeline along East 123rd Street and to allow for ongoing maintenance.

Section 4. That the duration of the easement shall be perpetual; that the easement may include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of the Director of Community Development; that the easement shall require that Dominion indemnify the City, provide reasonable insurance, maintain any Dominion improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Community Development on behalf of the City of Cleveland. The deed of easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Community Development and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the purposes of this ordinance.

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

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

Ord. No. 1104-13.
By Council Members Brancatelli, Zone and Kelley (by departmental request).

An emergency ordinance authorizing economic development incentives for the purpose of creating jobs and improving the economic welfare of the people of the City as authorized in Art. VIII, Section 13 of the Ohio Constitution; and authorizing the Director of Economic Development to consolidate various job incentive programs under the new Job Creation Incentive Program; and authorizing the Director of Economic Development to enter into economic development agreements to facilitate the provisions of this new ordinance.

Whereas, the City's real property has significantly declined in tax value, with corresponding reductions in City tax receipts available for the City's general fund and the Cleveland Public Schools; and

Whereas, one of the primary factors of these relatively high occupancy costs is the cost of parking for employees and Applicants in the City, and these costs: 1) increase downtown applicants' costs of doing business and restricts these Applicants by eliminating potential employees who are unwilling or unable to bear significant monthly parking costs in the City; and 2) handicap the City's ability to attract companies whose employees are accustomed to free parking spaces in their current suburban or rural locations; and

Whereas, the cost of asbestos or other brownfield removal and modernization of older commercial buildings also results in higher occupancy costs; and

Whereas, the City under the authority of Ordinance No. 172-A-06, passed July 13, 2005, as amended by various ordinances, has entered into economic development agreements and created various programs that give incentive payments to deserving applicants for the purpose of inducing them to locate and expand their workforces within the City, create employment opportunities, and improve the economic welfare of Cleveland's citizens, all as authorized in Article VIII, Section 13 of the Ohio Constitution; and

Whereas, the Director of Economic Development now is authorized to consolidate these various programs by creating a new Job Creation Incentive Program that will provide annual incentive payments, subject to appropriation, and based on a percentage of New Payroll as specified in individual economic development agreements between the City and a specific applicant; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote economic development in the City of Cleveland, and the assistance is immediately necessary; now, therefore

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

Section 1. That all previously approved ordinances including Ordinance No. 172-A-05, passed July 13,

2005, as amended by Ordinance No. 714-10, passed June 7, 2010, Ordinance No. 460-11, passed April 25, 2011 and Ordinance No. 822-12, passed June 4, 2012, ("Ordinances as Amended") shall retroactively comply with this new ordinance. This new ordinance shall be applicable to all contracts previously entered into under the Ordinances as Amended.

Section 2. That under the Ordinances as Amended this Council authorized the creation of the Job Creation Incentive Grant Program formerly known as the Central Business District Program, the Green Technology Business Grant Program, the Technology Business Grant Program, and the Downtown & Citywide Business Grant Program. That this Council finds and determines that all these programs and Ordinances as Amended shall be consolidated under this new ordinance and under one program called the Job Creation Incentive Program ("JCI Program").

Section 3. That the Director of Economic Development is authorized to create the JCI Program to provide financial assistance to various for-profit applicants that create a minimum of five full-time jobs new to the City. Based on the specific terms of each economic development agreement, eligible applicants may receive up to five annual grants up to one percent (1%) of new total income tax payroll for new jobs to the City.

The applicant must not be delinquent on any portion of its taxes including but not limited to real estate taxes, municipal taxes, and employee withholding tax. The applicant will annually document and certify the number of jobs created and annual average payroll to the Departments of Economic Development and Finance. The term of an economic development agreement authorized by this ordinance shall not exceed the term of the applicant's lease, and in no event shall exceed five years, unless otherwise approved by Council. Every applicant must get a letter of support from the City Council member in whose ward the affected business is located.

Section 4. Applicants that enter into an economic development agreements under the JCI Program, may also be eligible for an additional grant up to \$5,000, to pay for relocation costs, which include but are not limited to, moving into the City of Cleveland, and for legal and architectural fees associated with the relocation (Relocation Costs Grant"). Subject to the approval of the Director of Economic Development, an applicant that is not eligible under the JCI Program may still be eligible for a Relocation Costs Grant alone.

Section 5. The agreements shall be paid from funding previously authorized under Ordinances as Amended, drawn from Fund Nos. 10 SF 526, 17 SF 006, and 17 SF 652 and paid to the applicants no later than April 30, of each year following the effective date of the applicable economic development agreement. Total contracts under this Section shall not exceed \$8,630,000. All Incentive Payments made under this ordinance shall be subject to appropriation.

Section 6. That the Mayor, the Director of Finance, the Director of Economic Development, the Director of Law, and any other City officials, as appropriate, are each authorized to prepare and sign any other docu-

ments, instruments, amendments or certificates and to take such actions as are necessary or appropriate to consummate and implement the transactions described in or contemplated by this Ordinance and the Economic Development Agreement.

Section 7. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

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 Economic Development, Finance, Law; Committees on Community and Economic Development, Employment, Affirmative Action and Training, Finance.

Ord. No. 1105-13.
By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance determining the method of making the public improvement of cleaning, cement mortar lining, and replacing various distribution water mains in 2014 and 2015; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning, cement mortar lining, and replacing various distribution water mains in the City of Cleveland in 2014 and 2015, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 229, 52 SF 231, 52

SF 235, and 52 SF 245, and from the fund or subfund to which are credited the proceeds of future waterworks bonds, if issued for this purpose RQS 2002, RL 2013-116.

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 Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 1107-13.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating Runway 6R-24L at Burke Lakefront Airport; authorizing the Director of Port Control to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; and to enter into one or more requirement contracts needed in connection with the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating Runway 6R-24L at Burke Lakefront Airport (the "Improvement"), for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

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

Section 3. That the Director of Port Control is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available

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

Section 5. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period to be determined by the Director of the necessary items of materials, equipment, supplies, and services necessary to construct the Improvement, including labor and materials if necessary, that are not purchased under the public improvement contract or professional services contracts authorized in this ordinance, in the approximate amount as purchased during the preceding term, 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. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 6. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 112, 60 SF 114, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 130, 60 SF 141, 60 SF 160, and from the fund or funds to which are credited any grants or any passenger facility charges if authorized for this purpose, Request No. RQS 3001, RL 2013-126.

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

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

Ord. No. 1108-13.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. MA 2011-119 with United Rotary Brush to provide the requirements of automotive parts, including labor, materials, and installation, if necessary.

Whereas, under the authority of Ordinance No. 190-07, passed March 12, 2007, the Director of Port Control entered into Contract No. MA 2011-119 with United Rotary Brush to provide the requirements of automotive parts, including labor, materials, and installation, if necessary; and

Whereas, Ordinance No. 190-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. MA 2011-119 for an additional year with United Rotary Brush for the requirements for an additional year of automotive parts, including labor, materials, and installation, if necessary. This ordinance constitutes the additional legislative authority required by Ordinance No. 190-07 to exercise this option.

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

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

Ord. No. 1109-13.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of diving and underwater inspections, for the Division of Water, Department of Public Utilities, for a period up to two years, with two one-year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years, with two one-year options to renew, of the necessary items of diving and underwater inspections, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utili-

ties. 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 Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2013-29)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 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.

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

Ord. No. 1110-13.
By Council Members Miller and Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year.

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

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

Section 1. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of rock salt, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by

separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7016, RL 2013-31)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 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.

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

Ord. No. 1111-13.
By Council Members Conwell, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located near the southeast corner of Euclid Avenue and East 116th Street to The Cleveland Institute of Art, or its designee, for purposes of redevelopment.

Whereas, the Director of Capital Projects has requested the sale of the City-owned property to The Cleveland Institute of Art, or its designee (the "Redeveloper") no longer needed for public use and located near the southeast corner of Euclid Avenue and East 116th Street for purposes of redevelopment; 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, it is found and determined that the following described standard highway easement is no longer needed for public use:

Description of a 0.0101 Acre Tract
Located southeasterly of
Euclid Avenue and between
Mayfield Road and East 117th Street
Cleveland, Ohio.

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of the Original 100 Acre Lots No. 395 and 396, Range 12 West,

Township 9 North of the Connecticut Western Reserve Survey and being part of a tract of land as conveyed to University Circle Development Foundation by deed of record in Deed Volume 12337, Page 263, being part of a tract of land as conveyed to the McCoullough Center, LLC, by deed of record in A.F.N. 200704230202, being part of subplot number 11 as conveyed in Andrew Cozad's Allotment by plat of record in Plat Volume 7, Page 21, being all of the permanent right-of-way easement labeled Parcel 300-SH as conveyed in A.F.N. 200606130782 and being part of the permanent right-of-way easement labeled Parcel 288-SH as conveyed in A.F.N. 200701190507; all record document references in this legal description being to the Recorder's Office, Cuyahoga County, Ohio and being more particularly bounded and described as follows:

Beginning at point on the north-easterly corner of said Parcel 300-SH, on the southeasterly right-of-way of Euclid Avenue, width varies, and on the northwesterly line of said McCoullough Center, LLC tract, said point also being the TRUE POINT OF BEGINNING of the herein described tract of land.

01. Then South 23° 46' 37" West, a distance of 30.76 feet along the southeasterly line of said Parcel 300-SH and through said McCoullough Center, LLC tract to point;

02. Thence south 42° 44' 49" West, a distance of 29.52 feet along the southeasterly line of said Parcel 288-SH and through said University Circle Development Foundation tract to a point;

03. Thence North 47° 15' 11" West, a distance of 10.00 feet through said Parcel 288-SH and through said University Circle Development Foundation tract to a point;

04. Thence North 42° 44' 49" East, a distance of 58.61 feet along the northwesterly line of said Parcel 288-SH, along the northwesterly line of said University Circle Development Foundation, along the northwesterly line of said Parcel 300-SH and along the northwesterly line of said McCoullough Center, LLC tract, to the True Point of Beginning and containing 0.0101 acres, more or less, and subject to all legal easements, restrictions, reservations, conditions and rights-of-way of previous record.

The basis of bearing in this description is based on the southeasterly line of Euclid being North 42° 44' 49" East.

This description is based on a field survey made by Michael Benza & Associates, Inc. in February 2009 under project number 4188.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance. The City is authorized to obtain one or more ingress and egress easements from Redeveloper for the purpose of relocating sidewalk amenities. The Director of Capital Projects is authorized to execute any documents as may be necessary to effect the purposes of this ordinance.

Section 3. That the conveyance shall be made by official deed pre-

pared 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 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.

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

Ord. No. 1112-13.

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

An emergency ordinance authorizing the Director of Community Development to execute deeds of easement granting to Northeast Ohio Regional Sewer District certain easement rights in portions of City-owned properties needed for its Dugway West Interceptor Relief Sewer Project and declaring the easement rights not needed for the City's use.

Whereas, Northeast Ohio Regional Sewer District ("NEORS") has requested that the Department of Community Development convey certain easement rights in portions of City-owned property which are currently in the Residential Land Bank as set forth in Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, and are known as Permanent Parcel Nos. 108-13-082, 108-13-188, 108-14-008, 108-29-009, 108-30-022, 108-31-009, 108-31-015, 108-31-016, 109-21-083, and 110-22-009; and

Whereas, the NEORS requires the easements in connection with the construction and maintenance of the Dugway West Interceptor Relief Sewer Project (the "Sewer Project"); and

Whereas, the easement rights to be granted are not needed for the City's use; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the easement interests in the following described property are not needed for the City's use:

**DWIRS T65-1 Temporary Easement
PPN 108-13-082**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 68 in The Remington Subdivision of part of Original One Hundred Acre Lot No. 362 as recorded in Volume 35, Page 29 of the Cuyahoga County Map Records. Also being the

land conveyed to City of Cleveland Land Reutilization Program as recorded in Volume 92-7005, Page 6 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at the intersection of the northerly right of way of Elk Avenue (40.00 feet wide) and the easterly right of way of E. 106TH Street (40.00 feet wide), said point also being the southwest corner of said Sublot No. 68;

Thence, along the easterly right of way of E. 106th Street, North 00° 33' 00" West, 27.00 feet to the northwest corner of said and conveyed to City of Cleveland Land Reutilization Program;

Thence, along City of Cleveland Land Reutilization Program's northerly line, North 89° 08' 00" East, 112.31 feet to the easterly line of said Sublot No. 68;

Thence, along the easterly line of said Sublot No. 68, South 00° 33' 00" East, 27.00 feet to the northerly right of way of Elk Avenue;

Thence, along the northerly right of way of Elk Avenue, South 89° 08' 00" West, 112.31 feet to the point of beginning.

Containing within said bounds 0,0696 acres (3,032 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(CORS) Grid North.

**DWIRS T64-1 Temporary Easement
PPN 108-13-188**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 71 in William Ambler's Subdivision of part of Original One Hundred Acre Lot No. 362 as recorded in Volume 38, Page 23 of the Cuyahoga County Map Records. Also being the land conveyed to David Salvador Urrutia Giron as recorded in Instrument No. 200801020369 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at the intersection of the southerly right of way of Elk Avenue (40.00 feet wide) and the westerly right of way of E. 107TH Street (45.00 feet wide), said point also being the northeast corner of said Sublot No. 71;

Thence, along the westerly right of way of E. 107th Street, South 00° 32' 09" East, 31.93 feet to the southeast corner of said land conveyed to David Salvador Urrutia Giron;

Thence, along David Salvador Urrutia Giron's southerly line, South 89° 27' 51" West, 117.53 feet to the easterly right of way of E. 107th Place (45.00 feet wide);

Thence, along the easterly right of way of E. 107th Place the following two courses: North 00° 32' 09" West, 16.34 feet;

Thence, along the arc of a curve which deflects to the right, 23.48 feet to the southerly right of way of Elk Avenue, said curve having a radius of 15.00 feet, a central angle of 89° 40' 09", and a chord of 21.15 feet which bears North 44° 17' 55" East;

Thence, along the southerly right of way of Elk Avenue, North 89° 08' 00" East, 102.62 feet to the point of beginning.

Containing within said bounds 0,0841 acres (3,665 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(CORS) Grid North.

**DWIRS-P3-1 Permanent Easement
PPN 108-14-008**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots 221 and 222 of William Ambler's Subdivision of part of Original One Hundred Acre Lot No. 362 as recorded in Volume 38, Page 23 of the Cuyahoga County Map Records. Also being part of the land conveyed to City of Cleveland Land Reutilization Program as recorded in Instrument No. 201204020540 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at the intersection of the northerly right of way of St. Clair Avenue N.E. (80 feet wide) and the easterly right of way of East 109th Street (45 feet wide)

Thence along the easterly right of way of East 109th Street, North 00° 34' 30" West, 29.97 feet;

Thence, leaving said easterly right of way, South 80° 04' 21" East, 82.27 feet to the southwesterly corner of land conveyed to City of Cleveland Land Reutilization Program as recorded in Volume 92-0522, Page 21 of the Cuyahoga County Records;

Thence, along the northerly right of way of St. Clair Avenue N.E., South 78° 56' 18" West, 82.27 feet to the point of beginning.

Containing within said bounds 0.0278 acres (1,212 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(CORS) Grid North.

**DWIRS-T3-1 Temporary Easement
PPN 108-14-008**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots 221 and 222 of William Ambler's Subdivision of part of Original One Hundred Acre Lot No. 362 as recorded in Volume 38, Page 23 of the Cuyahoga County Map Records. Also being part of the land conveyed to City of Cleveland Land Reutilization Program as recorded in Instrument No. 201204020540 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the northerly right of way of St. Clair Avenue N.E. (80 feet wide) and the easterly right of way of East 109th Street (45 feet wide)

Thence along the easterly right of way of East 109th Street, North 00° 34' 30" West, 29.97 feet to the True Point of Beginning for the easement herein described;

Thence continuing along said easterly right of way, North 00° 34' 30" West, 74.53 feet to the southwesterly corner of land conveyed to Julius O. Wright as recorded in Instrument No. 200412200606 of the Cuyahoga County Records;

Thence, along Wright's southerly line, North 88° 00' 52" East, 80.93 feet to the northwesterly corner of land conveyed to City of Cleveland Land Reutilization Program as recorded in Volume 92-0522, Page 21 of the Cuyahoga County Records;

Thence, along City of Cleveland Land Reutilization Program's westerly line, South 00° 34' 07" East, 91.52 feet to the northerly right of way of St. Clair Avenue N.E.;

Thence, leaving said westerly line and said northerly right of way, North 80° 04' 21" West, 82.27 feet to the point of beginning.

Containing within said bounds 0.1542 acres (6,717 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (CORS) Grid North.

**DWIRS-P8-1 Permanent Easement
PPN 108-29-009**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block A in The Cleveland Realty Company Subdivision of part of Original One Hundred Acre Lot Nos. 362 and 370 as recorded in Volume 24, Page 17 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland Land Reutilization Program as recorded in Instrument No. 201209061221 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the southwest corner of Sublot No. 127 in Linn and Issel Addition as recorded in Volume 43, Page 17 of the Cuyahoga County Map Records, said point also being in the easterly right of way of Linn Drive (60.00 feet);

Thence, along the easterly right of way of Linn Drive, along the arc of a curve which deflects to the left, 91.02 feet to the northwesterly corner of said land conveyed to the City of Cleveland Land Reutilization Program, said curve having a radius of 1135.00 feet, a central angle of 04° 35' 41", and a chord of 90.99 feet which bears South 03° 41' 12" East, said point being the True Point of Beginning for the easement herein described,

Thence, leaving the right of way of Linn Drive, along the City of Cleveland Land Reutilization Program's northerly line, North 83° 31' 05" East, 16.46 feet;

Thence, leaving said northerly line, South 12° 34' 33" East, 39.20 feet to the southerly line of said land conveyed to the City of Cleveland Land Reutilization Program;

Thence, along the City of Cleveland Land Reutilization Program's southerly line, South 80° 43' 22" West, 20.28 feet to the easterly right of way of Linn Drive;

Thence, along the easterly right of way of Linn Drive, along the arc of a curve which deflects to the right, 39.97 feet, said curve having a radius of 1135.00 feet, a central angle of 02° 01' 04", and a chord of 39.97 feet which bears North 06° 59' 34" West to the point of beginning.

Containing within said bounds 0.0168 acre (730 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (CORS) Grid North.

**DWIRS-P12-1 Permanent
Easement Across
PPN 108-30-022
0.0208 Acre**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block A in The Cleveland Realty Company Subdivision of part of Original One Hundred Acre Lot Nos. 362 and 370 as recorded in Volume 24, Page 17 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland Land Reutilization Program as recorded in Instrument No. 201102110056 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the southwest corner of Sublot No. 127 in Linn and Issel Addition as recorded in Volume 43, Page 17 of the Cuyahoga County Map Records, said point also being in the easterly right of way of Linn Drive (60.00 feet);

Thence, along the easterly right of way of Linn Drive, along the arc of a curve which deflects to the left, 250.89 feet to the northwesterly corner of said land conveyed to the City of Cleveland Land Reutilization Program, said curve having a radius of 1135.00 feet, a central angle of 12° 39' 55", and a chord of 250.38 feet which bears South 07° 43' 19" East, said point being the True Point of Beginning for the easement herein described,

Thence, leaving the right of way of Linn Drive, along the City of Cleveland Land Reutilization Program's northerly line, North 80° 44' 59" East, 23.53 feet;

Thence, leaving said northerly line, South 12° 34' 33" East, 39.83 feet to the southerly line of said land conveyed to the City of Cleveland Land Reutilization Program;

Thence, along the City of Cleveland Land Reutilization Program's southerly line, South 80° 45' 35" West, 21.79 feet to the easterly right of way of Linn Drive;

Thence, along the easterly right of way of Linn Drive, along the arc of a curve which deflects to the right, 39.97 feet, said curve having a radius of 1135.00 feet, a central angle of 02° 01' 04", and a chord of 39.97 feet which bears North 15° 03' 49" West to the point of beginning;

Containing within said bounds 0.0208 acre (906 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (CORS) Grid North.

**DWIRS-P48-1 Permanent Easement
Parcel No. 108-31-009**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 39 in The Realty Underwriters Co's Lake View Road Subdivision of part of Original One Hundred Acre Lot No. 371 as recorded in Volume 63, Page 30 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland Land Reutilization Program as recorded in Instrument No. 200802280209 of the Cuyahoga County

Records, being more definitely described as follows;

Beginning at the intersection of the northerly right of way of Earle Avenue (50 feet wide) and the westerly right of way of Lakeview Road N.E. (60 feet wide), said point also being the southeast corner of said Sublot No. 39;

Thence, along the northerly right of way of Earle Avenue, South 88° 50' 50" West, 130.85 feet to the southwest corner of said Sublot No. 39;

Thence, along the westerly line of said Sublot No. 39, North 00° 41' 54" West, 5.23 feet;

Thence, leaving said westerly line, North 87° 56' 52" East, 129.78 feet to the westerly right of way of Lakeview Road N.E.;

Thence, along the westerly right of way of Lakeview Road N.E., South 09° 24' 02" East, 7.35 feet to the point of beginning.

Containing within said bounds 0.0187 acres (815 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (CORS) Grid North.

**DWIRS-T48-1 Temporary Easement
Parcel No. 108-31-009**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 39 in The Realty Underwriters Co's Lake View Road Subdivision of part of Original One Hundred Acre Lot No. 371 as recorded in Volume 63, Page 30 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland Land Reutilization Program as recorded in Instrument No. 200802280209 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the northerly right of way of Earle Avenue (50 feet wide) and the westerly right of way of Lakeview Road N.E. (60 feet wide), said point also being the southeast corner of said Sublot No. 39;

Thence, along the westerly right of way of Lakeview Road N.E., North 09° 24' 02" West, 7.35 feet to the True Point of Beginning for the easement herein described;

Thence, leaving the westerly right of way of Lakeview Road N.E. South 87° 56' 52" West, 129.78 feet to the westerly line of said Sublot No. 39;

Thence, along the westerly line of said Sublot No. 39, North 00° 41' 54" West, 42.77 feet to the northwest corner of said Sublot No. 39;

Thence, along the northerly line of said Sublot No. 39, North 88° 50' 50" East, 123.52 feet to the westerly right of way of Lakeview Road N.E.;

Thence, along the westerly right of way of Lakeview Road N.E., South 09° 24' 02" East, 41.15 feet to the point of beginning.

Containing within said bounds 0.1214 acres (5,290 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (CORS) Grid North.

**DWIRS T66-1 Temporary Easement
PPN 108-31-015**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 33 in The Realty Underwriters Co.'s Lake View Road Subdivision of part of Original One Hundred Acre Lot No. 371 as recorded in Volume 63, Page 30 of the Cuyahoga County Map Records. Also being the land conveyed to the City of Cleveland Land Reutilization Program as recorded in Instrument No. 201207310119 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at the southwest corner of said Sublot No. 33, said point also being in the northerly right of way of Earle Avenue (50.00 feet wide);

Thence, along the westerly line of said Sublot No. 33, North 00° 41' 54" West, 94.34 feet to the northwest corner of said Sublot No. 33;

Thence, along the northerly line of said Sublot No. 33, North 88° 50' 50" East, 39.98 feet to the northeast corner of said Sublot No. 33;

Thence, along the easterly line of said Sublot No. 33, South 00° 41' 54" East, 94.34 feet to the northerly right of way of Earle Avenue;

Thence, along the northerly right of way of Earle Avenue, South 88° 50' 50" West, 39.98 feet to the point of beginning.

Containing within said bounds 0.0866 acres (3,771 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(CORS) Grid North.

**DWIRS-P18-1 Permanent Easement
PPN 108-31-016**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 32 in The Realty Underwriters Co.'s Lake View Road Subdivision of part of Original One Hundred Acre Lot No. 371 as recorded in Volume 63, Page 30 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland Land Reutilization Program as recorded in Instrument No. 201012080084 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at the intersection of the northerly right of way of Earle Avenue (50 feet wide) and the easterly right of way of Linn Drive (60 feet wide), said point also being the southwest corner of said Sublot No. 32;

Thence along the easterly right of way of Linn Drive, North 00° 41' 54" West, 26.44 feet; Thence, leaving said easterly right of way, North 89° 29' 51" East, 24.05 feet;

Thence South 00° 30' 09" East, 26.17 feet to the northerly right of way of Earle Avenue;

Thence, along said northerly right of way, South 88° 50' 50" West, 23.96 feet to the point of beginning.

Containing within said bounds 0.0145 acres (631 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(CORS) Grid North.

**DWIRS-T18-1 Temporary Easement
Parcel No. 108-31-016**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 32 in The Realty Underwriters Co.'s Lake View Road Subdivision of part of Original One Hundred Acre Lot No. 371 as recorded in Volume 63, Page 30 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland Land Reutilization Program as recorded in Instrument No. 201012080084 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the northerly right of way of Earle Avenue (50 feet wide) and the easterly right of way of Linn Drive (60 feet wide), said point also being the southwest corner of said Sublot No. 32;

Thence, along the easterly right of way of Linn Drive, North 00° 41' 54" West, 26.44 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along the easterly right of way of Linn Drive, North 00° 41' 54" West, 67.90 feet to the northwest corner of said Sublot No. 32;

Thence, along the northerly line of said Sublot No. 32, North 88° 50' 50" East, 39.98 feet to the northeast corner of said Sublot No. 32;

Thence, along the easterly line of said Sublot No. 32, South 00° 41' 54" East, 94.34 feet to the northerly right of way of Earle Avenue;

Thence, along the northerly right of way of Earle Avenue, South 88° 50' 50" West, 16.02 feet; Thence, leaving the northerly right of way of Earle Avenue, North 00° 30' 09" West, 26.17 feet; Thence South 89° 29' 51" West, 24.05 feet to the point of beginning.

Containing within said bounds 0.0721 acres (3,140 square feet) of and as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July, 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(CORS) Grid North.

**DWIRS-P30-1 Permanent Easement
PPN 109-21-083**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 33 and 34 in John W. Walker's Subdivision of part of Original One Hundred Acre Lot Nos. 371, 378 and 379 as recorded in Volume 71, Page 22 of the Cuyahoga County Map Records. Also being part of the land conveyed to City of Cleveland Land Reutilization Program as recorded in Instrument No. 200802280203 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the southwest corner of Parcel "A" in Lot Split Plat as recorded in Volume 288, Page 80 of the Cuyahoga County Map Records, said point also being in the easterly right of way of Linn Drive (60.00 feet wide);

Thence, along the easterly right of way of Linn Drive, along the arc of a curve which deflects to the right, 52.39 feet to the northwest corner of

said land conveyed to City of Cleveland Land Reutilization Program, said curve having a radius of 420.00 feet, a central angle of 07° 08' 48", and a chord of 52.35 feet which bears South 10° 38' 53" East, said point being the True Point of Beginning for the easement herein described;

Thence, along City of Cleveland Land Reutilization Program's northerly line, North 89° 08' 56" East, 16.14 feet;

Thence, leaving City of Cleveland Land Reutilization Program's northerly line, South 17° 49' 01" East, 16.86 feet;

Thence South 01° 27' 28" East, 35.43 feet to the southerly line of said land conveyed to City of Cleveland Land Reutilization Program;

Thence, along City of Cleveland Land Reutilization Program's southerly line, South 89° 04' 00" West, 18.95 feet to the easterly right of way of Linn Drive;

Thence, along the easterly right of way of Linn Drive, North 00° 55' 48" West, 6.63 feet;

Thence, continuing along the easterly right of way of Linn Drive, along the arc of a curve which deflects to the left, 45.04 feet to the point of beginning, said curve having a radius of 420.00 feet, a central angle of 06° 08' 41", and a chord of 45.02 feet which bears North 04° 00' 08" West.

Containing within said bounds 0.0221 acres (963 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August 2012.

Bearings are based on Ohio State Plane, North Zone NAD83(CORS) Grid North.

**DWIRS-T30-1 Temporary Easement
PPN 109-21-083**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 33 and 34 in John W. Walker's Subdivision of part of Original One Hundred Acre Lot Nos. 371, 378 and 379 as recorded in Volume 71, Page 22 of the Cuyahoga County Map Records. Also being part of the land conveyed to City of Cleveland Land Reutilization Program as recorded in Instrument No. 200802280203 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the southwest corner of Parcel "A" in Lot Split Plat as recorded in Volume 288, Page 80 of the Cuyahoga County Map Records, said point also being in the easterly right of way of Linn Drive (60.00 feet wide);

Thence, along the easterly right of way of Linn Drive, along the arc of a curve which deflects to the right, 52.39 feet to the northwest corner of said land conveyed to City of Cleveland Land Reutilization Program, said curve having a radius of 420.00 feet, a central angle of 07° 08' 48", and a chord of 52.35 feet which bears South 10° 38' 53" East;

Thence, along City of Cleveland Land Reutilization Program's northerly line, North 89° 08' 56" East, 16.14 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along City of Cleveland Land Reutilization Program's northerly line, North 89° 08'

56" East, 220.75 feet to the northeast corner of said land conveyed to City of Cleveland Land Reutilization Program;

Thence, along City of Cleveland Land Reutilization Program's easterly line, South 06° 03' 39" East, 51.45 feet to the southeast corner of said land conveyed to City of Cleveland Land Reutilization Program;

Thence, along City of Cleveland Land Reutilization Program's southerly line, South 89° 04' 00" West, 220.13 feet;

Thence, leaving City of Cleveland Land Reutilization Program's southerly line, North 01° 27' 28" West, 35.43 feet;

Thence North 17° 49' 01" West, 16.86 feet to the point of beginning.

Containing within said bounds 0.2582 acres (11,246 square feet) of and as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (CORS) Grid North.

**DWIRS-P60-1 Permanent Easement
PPN 110-22-009**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 5 in The Adams Realty Company's Parkway Subdivision No. 1 of part of Original One Hundred Acre Lot No. 372 as recorded in Volume 54, Page 37 of the Cuyahoga County Map Records. Also being part of the land conveyed to City of Cleveland Land Reutilization Program as recorded in Instrument No. 201108180265 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at the northwest corner of said Sublot No. 5, said point also being in the southerly right of way of Durant Avenue (50.00 feet wide);

Thence, along the southerly right of way of Durant Avenue, North 88° 41' 43" East, 38.01 feet to the northeast corner of said Sublot No. 5;

Thence, along the easterly line of said Sublot No. 5, South 00° 51' 58" East, 9.30 feet;

Thence, leaving the easterly line of said Sublot No. 5, North 89° 00' 21" West, 38.03 feet to the westerly line of said Sublot No. 5;

Thence, along the westerly line of said Sublot No. 5, North 00° 51' 58" West, 7.78 feet to the point of beginning.

Containing within said bounds 0.0075 acres (325 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (CORS) Grid North.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easements to the NEORSRD, subject to any conditions stated in this ordinance, at a price to be determined by the Board of Control.

Section 3. That the easements shall be non-exclusive and the purpose of the easements shall be the construction and maintenance of the Sewer Project.

Section 4. That the duration of the temporary easements shall be until they are no longer required by NEORSRD in conjunction with constructing the Sewer Project and the duration of the permanent easements shall be perpetual until abandoned; that the easements may include reasonable rights of entry to the City; that the easements shall not be assignable without the consent of the Director of Community Development; that the easements shall require that the NEORSRD indemnify the City, provide reasonable insurance, maintain any NEORSRD improvements located within the easements, and pay any applicable taxes and assessments.

Section 5. That site restoration should include, at a minimum, final grading to tie in with adjacent properties, castings for access into NEORSRD subsurface structures, new top soil and grass seeding for non-paved areas, and additional site restorations features as may be mutually agreed upon.

Section 6. That the conveyances referred to above shall be made by official deeds of easement prepared by the Director of Law and executed by the Director of Community Development on behalf of the City of Cleveland. The deeds of easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Community Development and Law are authorized to execute any other documents, including without limitation, contracts for rights of entry, as may be necessary to effect the purposes of this ordinance.

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

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

Ord. No. 1113-13.

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

An emergency ordinance authorizing the issuance and sale by the city of airport system revenue bonds in an aggregate principal amount not to exceed one hundred million dollars (\$100,000,000) to pay costs of improving the airport system; authorizing supplemental indentures and other agreements related to the bonds; and authorizing and approving related matters.

Whereas, under authority of the Constitution of the State of Ohio and the Charter of the City of Cleveland, Ohio (the "City"), this Council has by ordinance authorized the issuance of Revenue Bonds, from time to time, for the Airport System under the terms and security of the Amended and Restated Trust Indenture (Seventeenth Supplemental Trust Indenture), effective as of January 31, 2012 (the "Trust Indenture"), between the City and The Bank of New York Mellon Trust

Company, N.A., as trustee (the "Trustee"); and

Whereas, this Council has determined to authorize the issuance by the City of Airport System Revenue Bonds ("Bonds") under the Trust Indenture for the purpose of improving the facilities of the Airport System; and

Whereas, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the Bonds is necessary to fund contracts for improvements to the Airport System needed for the provision of air services to the public; now, therefore,

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

Section 1. Definitions.

In addition to the words and terms defined in the Trust Indenture, the following words and terms shall have the following meanings, unless the context or use indicates a contrary meaning or intention.

"Bond Purchase Agreement" means, with respect to the Bonds, one or more Bond Purchase Agreements between the City and the Original Purchasers authorized in Section 5 of this Ordinance.

"Book-entry form" or "book-entry system" means a form or system, as applicable, under which (a) the ownership of beneficial interests in Revenue Bonds and Bond service charges may be transferred only through a book-entry, and (b) physical Revenue Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as registered owner, with the physical Bond certificates "immobilized" in the custody of the Depository. The book-entry system is maintained by and is the responsibility of the Depository and not the City or the Trustee. The book-entry is the record that identifies, and records the transfer of the interest of, the owners of beneficial (book-entry) interests in the Revenue Bonds.

"Certificate of Award" means one or more certificates delivered by the Director of Finance pursuant to Section 5 of this Ordinance providing for the final terms of the Bonds of any series consistent with the requirements of the Trust Indenture and this Ordinance.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code and all applicable Treasury regulations.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement, or other credit enhancement, support or liquidity device used to enhance the security or liquidity of any Revenue Bonds or any Hedge Agreements.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book-entry system to record beneficial ownership of Revenue Bonds or Bond service charges, and to effect transfers of Revenue Bonds, in book-entry form, and includes and means initially The Depository Trust Company (a limited

purpose trust company), New York, New York.

"Direct Payment" means a credit allowed under the Code with respect to obligations that is payable to the City by the U.S. Treasury.

"Direct Payment Obligations" means obligations the interest on which is includible in gross income for federal income tax purposes and with respect to which the City shall have made an irrevocable election to receive a Direct Payment.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 3 of this Ordinance.

"Original Purchasers" means, with respect to each series of Bonds, the financial institutions identified in the Certificate of Award for that series.

"Outstanding Revenue Bonds" means Revenue Bonds issued and outstanding, from time to time, under the Trust Indenture, including without limitation any Revenue Bonds issued pursuant to this Ordinance. On the date of introduction of this Ordinance, the Outstanding Revenue Bonds (and the respective principal amounts then currently outstanding) consisted of the following series of Airport System Revenue Bonds: Series 2000C (\$149,000,000), Series 2006A (\$107,750,000), Series 2006B (\$5,965,000), Series 2007B (\$9,095,000), Series 2008D (\$5,975,000), Series 2009A (\$24,365,000), Series 2009B (\$10,240,000), Series 2009C (\$131,725,000), Series 2009D (\$38,875,000), Series 2011A (\$71,505,000), Series 2012A (\$235,150,000) and Series 2013A (\$58,000,000).

"Project" means improvements to the Airport System including: (i) the acquisition, construction, installation or equipping of public parking improvements at or related to Cleveland Hopkins International Airport, including the acquisition of any interests in real property necessary therefor, related design, planning, environmental studies, environmental remediation and regulatory compliance costs, site preparation, construction management services, and appurtenant improvements; and (ii) such additional or different improvements to the Airport System as the Director of Port Control deems necessary, provided that all conditions for the inclusion of the cost of any such improvements in the calculation of Landing Fees or Rentals under Section 8.07 of the Use Agreements shall have been met, and all requirements of the applicable Supplemental Indenture have been satisfied.

"Remarketing Agent" means a financial institution performing the duties of a remarketing agent under a Supplemental Indenture for variable rate Revenue Bonds.

"Revenue Bonds" means Outstanding Revenue Bonds and any Additional Revenue Bonds issued under the Trust Indenture, including the Bonds.

"Supplemental Indenture" means each Supplemental Trust Indenture delivered to supplement the Trust Indenture, to further provide for the terms and security of one or more series of Revenue Bonds or to amend the Trust Indenture.

"Taxable Bonds" means any Revenue Bonds the interest on which is included in gross income for federal income tax purposes.

"Tax-Exempt Bonds" means any Revenue Bonds the interest on which is excluded from gross income for federal income tax purposes.

Section 2. Authorization of the Bonds.

This Council authorizes the City to issue the Bonds in one or more series for the purpose of paying costs of the Project. The principal amount of each series of Bonds is to be the amount set forth in the Certificate of Award, subject to the limitations set forth in Section 5, and determined by the Director of Finance, based on the written advice of a Financial Advisor, to be the amount necessary, together with other funds available for the purpose (i) to pay costs of the Project, including funding interest on the Bonds for a temporary period, (ii) to fund any deposit to the Bond Service Reserve Fund required under the Trust Indenture or any special reserve fund for that series separate from the Bond Service Reserve Fund, (iii) to fund any deposit to the Renewal and Replacement Fund required under the Trust Indenture, (iv) to pay costs of any Credit Support Instruments, (v) to pay any amounts owed under Hedge Agreements, and (vi) to pay costs of issuing the Bonds. The proceeds from the sale of each series of Bonds shall be allocated, deposited and applied as provided in Section 6.

Separate series of Bonds may be issued at the same or different times. The Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each series. The Bonds shall constitute Revenue Bonds for all purposes of the Trust Indenture.

This Council finds and determines that the issuance of the Bonds for the purpose provided in this Ordinance serves a proper, public, municipal purpose by providing, maintaining and improving air travel facilities serving the people of the City of Cleveland, thereby increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and creating and preserving jobs and employment opportunities in the City and improving the economic welfare of the City.

Section 3. Authorization of Hedging Arrangements.

This Council finds that by engaging in interest rate hedging arrangements with respect to the Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations, or minimizing the risk of variations in its debt service costs, or obtaining savings by confirming rates of interest on the Bonds in advance of their issuance. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any related agreements

necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section 3 are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Prior to entering into any Hedge Agreement with respect to the Bonds or any Credit Support Instrument with respect to such Hedge Agreement, the Director of Finance shall determine, based on the written advice of a Financial Advisor, that (a) the Hedge Agreement or Credit Support Instrument with respect to such Hedge Agreement is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) the City will receive fair value in return for entering into the Hedge Agreement, considering, among other things, the credit of the City's Airport System, the credit of the counterparty and the terms and conditions of the Hedge Agreement. To the extent that any amounts to be paid by the City in connection with any such Hedge Agreement or any Credit Support Instrument with respect to such Hedge Agreement are not paid from proceeds of the Bonds, those amounts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The Director of Finance shall negotiate the terms of each Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City or by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is authorized to enter into an amendment, modification or novation of any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement or to terminate any Hedge Agreement, in whole or in part, if the Director of Finance determines, based on the written advice of a Financial Advisor, that (a) the amendment, modification, novation or termination is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) the City received fair value in return for entering into such amendment, modification, novation or termination, given the credit of the counterparty and the terms and conditions of the amendment, modification, novation or termination. To the

extent that any amounts to be paid by the City in connection with any such amendment, modification, novation or termination are not paid from proceeds of the Bonds, those amounts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The City's obligations under any Hedge Agreement shall be payable from the Airport Revenues as defined in the Trust Indenture and may be payable also from other funds permitted by law to be used for the purpose, as identified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of Airport Revenues, to the extent permitted by the Trust Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in connection with any Hedge Agreement or any amendment, modification, novation or termination of any Hedge Agreement, then, subject to the requirements of Article XIII of the Trust Indenture, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Indenture or amendment of an existing Supplemental Indenture.

Section 4. Terms of Bonds.

The Bonds shall contain the terms provided in or determined pursuant to, the Trust Indenture, this Ordinance, the applicable Certificate of Award and the applicable Supplemental Indenture. Each series of Bonds may be secured by a separate Supplemental Indenture, or a single Supplemental Indenture may secure more than one series of Bonds.

(a) **General.** The Bonds may be issued as obligations bearing interest at fixed or variable rates. The Bonds may also be issued as obligations under Federal or State programs that provide for interest payment subsidies or other financial or credit support. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by a series of Bonds bearing interest at variable interest rates, then provision shall be made in the Supplemental Indenture applicable to that series for the method and procedure by which the variable rate of interest to be borne by the Bonds of that series shall be determined (whether by reference to a market index, by a remarketing agent or otherwise); provided that no series of variable rate Bonds shall bear interest at a rate in excess of twenty-five

percent (25%) per year (including any Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Bonds may or may not permit the holders to tender their variable rate Bonds for purchase by the City. If the Director of Finance designates any series of Bonds as variable rate Bonds, and if the Holders of that series of Bonds are to be entitled to tender those Bonds for purchase, then the Director of Finance may also designate for those variable rate Bonds (and may designate others, from time to time, in substitution therefor), the tender agent or agents (which may be the Trustee), the remarketing agent or agents (which may be any of the Original Purchasers) and the calculation agent or agents (which may be any of the Original Purchasers or the Trustee), which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Director of Finance is authorized to enter into agreements with others in connection with the delivery of the Bonds, and from time to time thereafter so long as the Bonds are outstanding, as may be determined by the Director of Finance to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Bonds, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Bonds as provided in Section 7. To the extent that any fees and expenses associated with agreements entered into or terminated pursuant to this Section are not paid from proceeds of the Bonds, those fees and expenses shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

(b) **Form; Exchange and Transfer.** All Bonds shall be issued in fully registered form. The Bonds initially may be delivered in book-entry only form, registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and not transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Trust Indenture.

If any Depository determines not to continue to act as a Depository for the Bonds of any series held in a book-entry system, the Director of Finance and the Trustee may attempt to establish a securities depository/book-entry relationship with another qualified Depository. If the Director of Finance and the Trustee do not or are unable to do so, the Director of Finance and the Trustee, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds of any series from the Depository, and authenticate and deliver registered Bond certificates to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of action or inaction of the City, of those persons requesting such issuance.

The Director of Finance is authorized to enter into any agreements determined by the Director to be necessary in connection with the book-entry system for the Bonds, after determining that those agreements will not endanger the funds or securities of the City under the Trust Indenture (as evidenced by the Director's signing of those agreements).

(c) **Dates; Denominations.** The Bonds of each series shall be dated as of the date or dates provided in the Certificate of Award for that series. The Bonds of each series shall be issued in the denominations permitted in the Supplemental Indenture for that series.

(d) **Interest and Place of Payment.** The Bonds of each series shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate Bonds, determined pursuant to the Supplemental Indenture) for that series. Bonds of the same series and same maturity may bear interest at different interest rates. The Bonds of each series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each series of Bonds shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(e) **Maturities.** The Bonds of each series shall mature on the dates and in the respective principal amounts provided in the Certificate of Award, consistent with this Ordinance and the Trust Indenture.

(f) **Prior Redemption.** The Bonds of each series may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Certificate of Award for that series. Any Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on the dates and at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental

tal Indenture and the Trust Indenture. The Bonds may be subject to mandatory redemption prior to maturity on the dates, or upon the occurrence of events, and at the redemption prices as determined and provided in the Certificate of Award and applicable Supplemental Indenture, including without limitation, mandatory sinking fund redemption of term bonds on each mandatory redemption date in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date.

(g) **Purchase in Lieu of Redemption.** The Bonds of each series may be subject to purchase by the City in lieu of optional redemption if and to the extent provided in the Certificate of Award and the applicable Supplemental Indenture.

(h) **Signing.** The Bonds shall be signed by the Mayor and the Director of Finance, and approved as to form by the Director of Law. Any or all of the signatures of those officials may be facsimiles. The Bonds shall bear the corporate seal of the City or a facsimile thereof.

(i) **Numbering.** The Bonds shall be numbered as determined by the Director of Finance.

Section 5. Award and Sale of Bonds.

The Director of Finance shall sign and deliver a Certificate of Award for the Bonds. In the event the Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Bonds shall be awarded to the Original Purchasers selected by the Director of Finance, based on an evaluation of the qualifications of firms that have proposed to underwrite the Bonds, and shall be identified in the Certificate of Award. The Bonds may be sold by direct placement to one or more institutions purchasing Bonds for their own account and not for resale or may be sold to financial institutions underwriting the Bonds for sale to the public. Each Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Trust Indenture:

(a) the principal amount of Bonds issued; provided that the aggregate principal amount of Bonds issued in one or more series under this Ordinance shall not exceed One Hundred Million Dollars (\$100,000,000);

(b) the purchase price to be paid to the City by those Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Bonds any aggregate original issue premium and subtracting from that amount any aggregate original issue discount, plus (ii) any accrued interest on the Bonds from their date to the date of their delivery to the Original Purchasers;

(c) whether the Bonds are to be Tax-Exempt Bonds or Taxable Bonds and, if the Bonds are Taxable Bonds, whether or not they are Direct Payment Obligations or subject to another Federal or State program providing financial or credit support;

(d) whether any Bonds are to be subject to redemption prior to maturity, and, if so, the redemption date or dates or the event causing those Bonds to be subject to prior redemp-

tion, and the redemption price, which may be determined as a percentage of the principal amount redeemed or by a formula intended to make the bondholder whole for the loss of the investment resulting from the early redemption or by other methodology;

(e) the dates on which principal of the Bonds is to be paid, which shall be not later than thirty (30) years from their respective dates of issuance, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of Bonds of a particular maturity;

(f) the interest rates to be borne by Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed seven percent (7%) as to Bonds of any series that are Tax-Exempt Bonds or nine percent (9%) as to Bonds of any series that are Taxable Bonds, or the method by which the interest rate is to be determined for Bonds bearing interest at variable rates, consistent with Section 4;

(g) the amount, if any, and source of any money to be deposited in the Renewal and Replacement Fund in order to cause the balance therein to equal the Renewal and Replacement Fund Requirement;

(h) the title and series designation for the Bonds;

(i) the amount, if any, and source of any money to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether there shall be a special reserve fund for the Bonds of any series, separate from the common Bond Service Reserve Fund, or a surety or insurance policy, bank letter or line of credit, or other form of credit or Credit Support Instrument enhancing the security for Bonds of that series in lieu of a funded reserve fund;

(j) the Paying Agent; and

(k) whether any Bonds are to be secured by or payable from a Credit Support Instrument.

It is determined that the terms of the Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interests of the City and consistent with all legal requirements.

The Director of Finance may enter into one or more Bond Purchase Agreements with the Original Purchasers of Bonds setting forth the conditions for delivery of the Bonds that are consistent with this Ordinance, the Certificate of Award, and the Trust Indenture and applicable Supplemental Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for airport revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in any Official Statement of the City described in Section 11.

Section 6. Application of Proceeds of Bonds.

The proceeds from the sale of the Bonds shall be applied as provided in the applicable Supplemental Indenture, including:

(i) to the payment of any providers of any Credit Support Instrument, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(ii) to the Bond Service Fund, that portion, if any, of the proceeds constituting accrued interest;

(iii) to the Bond Service Reserve Fund, any proceeds to be deposited in that Fund in order to cause the balance therein to equal the Required Bond Service Reserve, subject to the provisions set forth in Section 5 (i) of this Ordinance for a lesser or special deposit;

(iv) to the Renewal and Replacement Fund, any proceeds to be deposited in that Fund to cause the balance therein to equal the Renewal and Replacement Fund Requirement;

(v) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Bonds;

(vi) to the Costs of Issuance Fund, to be created under the applicable Supplemental Indenture, such amounts as are needed to pay costs of issuing the Bonds; and

(vii) to the Construction Fund, the balance of such proceeds.

The proceeds from the sale of the Bonds are appropriated and shall be used for the purpose for which those Bonds are issued as provided in this Ordinance.

Section 7. Authorization of Supplemental Indentures and Amendments of Indenture.

In order to secure the payment of the principal of and any premium and interest on the Bonds, the Mayor, the Director of Finance and the Director of Port Control, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Trust Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Subject to the requirements of Article XIII of the Trust Indenture, any Supplemental Indenture may contain amendments to the Trust Indenture to permit the City increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

Section 8. Credit Support Instruments. The Director of Finance is authorized to contract from time to time for one or more Credit Support Instruments for any series of the Bonds or any Hedge Agreement if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in savings to the City, will stabilize interest rates or minimize the risk of increased interest expense or increased risks, burdens, or other

costs associated with hedging arrangements or relating to the Bonds or reserve requirements. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any Credit Support Instrument if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment, replacement, assignment or termination. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in order to permit the use of, or to amend, replace, assign or terminate, a Credit Support Instrument, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Indenture amending the Trust Indenture or an amendment of a Supplemental Indenture, approved as to form and correctness by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Credit Support Instrument, except to the extent paid from proceeds of the Bonds or otherwise, shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

Section 9. Tax Covenants.

(a) **Tax-Exempt Bonds.** With respect to any series of Bonds that are to be issued and sold as Tax-Exempt Bonds, the City covenants that:

(i) it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (a) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes, and (b) in the case of any Tax-Exempt Bonds qualifying as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

(ii) (A) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Bonds to be and to remain excluded from gross income for federal income tax purposes, (B) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply the proceeds of the Tax-Exempt Bonds to the governmental purposes of the borrowing, (2) restrict the yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports, and (5) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

(b) **Direct Payment Obligations.** With respect to any series of Bonds that is to be issued and sold as Direct Payment Obligations, the City covenants that:

(i) it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that the Bonds will qualify as Direct Payment Obligations under the applicable provisions of the Code.

(ii) it further covenants that (A) it will take or cause to be taken such actions that may be required of it for the Bonds to be and remain Direct Payment Obligations, (B) it will not take or authorize to be taken any actions that would adversely affect that status, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply or cause the application of the proceeds of the Bonds to the governmental purpose of the borrowing, (2) restrict yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports and (5) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such tax status.

(c) **Further Actions.** The Director of Finance, or any other officer of the City having responsibility for issuance of the Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, the election to issue a series of Bonds as Direct Payment Obligations, any of the elections provided for in or available under the Code for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or entitlement to Direct Payments relating thereto, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds and the City's entitlement to receive Direct Payments, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 10. Additional Documents.

The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter are authorized to sign and

deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Trust Indenture and the Hedge Agreements.

The Director of Finance, the Director of Port Control, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each series of Bonds to the Original Purchasers and to take all actions necessary to effect due signing, authentication and delivery of each series of Bonds under the terms of this Ordinance, the Supplemental Indentures, the Bond Purchase Agreements and the Trust Indenture. The Clerk of Council or other officials of the City as appropriate under the Charter shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

Section 11. Official Statements; Continuing Disclosure.

The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter, are and each is authorized on behalf of the City to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of the Bonds of one or more series, and (ii) determine, and certify or otherwise represent, when each preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The distribution and use of one or more preliminary official statements is hereby authorized and approved.

Each of those officers is also authorized, on behalf of the City and in their official capacities, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b)(3) and (4). Each of those officers is further authorized to use and distribute, or authorize the use and distribution of, one or more final official statements and supplements thereto in connection with the original issuance of the Bonds as may, in their judgment, be necessary or appropriate. Each of those officers is further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates in connection with the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment,

also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as an obligated person with respect to the Bonds under, SEC Rule 15c2-12, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of SEC Rule 15c2-12. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance and the Director of Port Control are authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with SEC Rule 15c2-12. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

Section 12. Conversion and Remarketing or Refunding of Variable Rate Bonds.

In the event that any series of Bonds are issued as variable rate obligations and the Director of Finance determines that it is advantageous to the City to convert the interest on such series of Bonds from variable rates to fixed interest rates for a period of time or to maturity, or to convert the interest on any series of Bonds bearing interest at a variable rate to a different variable rate period or mode, or to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any series of Bonds (such conversion or other actions and the tender and remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing in accordance with the applicable Supplemental Indenture. The City may enter into an agreement with one or more purchasers for their direct purchase of a series of Bonds in lieu of a public remarketing of those Bonds by a remarketing agent. In the event that the interest rate on all of the Bonds of a series is to be converted from variable rates to fixed rates of interest to the final maturity of that series of Bonds, the remarketing may be undertaken as a refunding transaction with the refunding Bonds having the terms provided in this Ordinance for the series of Bonds.

In connection with any remarketing of a series of Bonds, the Director of Finance is authorized to obtain one or more Credit Support Instruments if the Director of Finance determines that the Credit Support Instrument will facilitate the remarketing of that series of Bonds, and to enter into agreements with tender agents, administrative agents, remarketing agents, dealers and others, and to terminate such agreements, under the

same terms and conditions set forth in Section 4. In the event the Director of Finance determines that it is necessary to supplement or amend the Trust Indenture or the Supplemental Indenture in order to address current market conditions or to permit the use of a Credit Support Instrument or to otherwise obtain financing arrangements advantageous to the City, the Director of Finance is authorized to sign and deliver an amendment of the Trust Indenture or Supplemental Indenture, or an amended and restated Trust Indenture or Supplemental Indenture. The costs of any remarketing of the series of Bonds may be paid, as determined by the Director of Finance, from remarketing proceeds, or from other money lawfully available for that purpose. The Director of Finance is authorized to prepare or authorize to be prepared one or more disclosure documents in connection with any remarketing under the same terms and conditions as set forth in Section 11 of this Ordinance with respect to the Bonds. The Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate under the Charter, are each authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the remarketing of any series of Bonds and to take all actions necessary to effect the remarketing of any series of Bonds under the terms of this Ordinance and the Supplemental Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchaser a true transcript of proceedings certified by such officers of the City as may be appropriate of all proceedings had with reference to the conversion and remarketing of any series of Bonds.

Section 13. Lien of Pledge.

The Airport Revenues are subject to the lien of the pledge under the Trust Indenture without any physical delivery of the Airport Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Airport Revenues or for the filing or recording of the Trust Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement or other document with respect to such pledge. The pledge of the Airport Revenues under the Trust Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 14. Financial Advisors and Consultants.

The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making

any of the determinations required by this Ordinance to be determined by the Director of Finance or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Port Control may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Bonds or the delivery of any Hedge Agreements concerning the utilization and operation of the Airport System, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 15. Appointment of Successor Trustee.

The Director of Finance is hereby authorized to appoint a successor Trustee in the event that the current Trustee, The Bank of New York Mellon Trust Company, N.A., shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Trust Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 12.08 of the Trust Indenture.

Section 16. Authorization and Requirement of Declarations of Official Intent.

The Director of Finance, in consultation with the Director of Port Control, is authorized to prepare and sign declarations of official intent in the form required by United States Treasury Regulations §1.150-2 (the "Reimbursement Regulations") with respect to original expenditures to which the Reimbursement Regulations apply, to be made from money temporarily advanced for improvements to the Airport System and that is reasonably expected to be reimbursed from the proceeds of Tax-Exempt Bonds or other obligations; to make appropriate reimbursement and timely allocations from the proceeds of the Tax-Exempt Bonds or other obligations to reimburse such original expenditures; and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Sections 103 and 141 to 150 of the Code. No advance from any fund or account or order for payment may be made for original expenditures (other than expenditures excepted from such requirement under the Reimbursement Regulations) that are to be reimbursed subsequently from proceeds of Tax-Exempt Bonds or other obligations, unless a declaration of official intent with respect thereto is made within the time required by the Reimbursement Regulations.

Section 17. Open Meeting Determination.

It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and of

any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 18. Separability.

Each section of this Ordinance and each subdivision of any section is declared to be independent, and the finding or holding of any section or subdivision of any section to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 19. Recitals.

It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Bonds.

Section 20. Sunset of Authorization.

The authority granted by Section 2 of this Ordinance to issue Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement is distributed or a commitment for a direct placement is signed with respect to the issuance of a series of Bonds under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Bonds under the authority of this Ordinance.

Section 21. Emergency.

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

Ord. No. 1114-13.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more purchase agreements with CP-Snow Properties, LLC and CP-Cleveland Holdings, LLC, or their designee; authorizing the Commissioner of Purchases and Supplies to purchase properties located at 18899 Snow Road and 18951 Snow Road, both located in Brook Park, Ohio, for the Department of Port Control; and authorizing the Director of Port Control to enter into a Parking Management Agreement with Parking Company of America, or their designee, to manage, operate, and maintain the two off-airport parking facilities for a period of ten years.

Whereas, Airport Fast Park is located at 18899 Snow Road and Park Place is located at 18951 Snow Road, both in Brook Park, Ohio; and

Whereas, the City of Cleveland desires to enter into one or more purchase agreements with CP-Snow Properties, LLC and CP-Cleveland Holdings, LLC, or their designee; and

Whereas, under the purchase agreements, the City will acquire the business' assets, including but not limited to, inventories, plants, properties, and equipment, and also assume all applicable operating contracts, leases, licenses, and permits associated with both companies; and

Whereas, under the purchase agreements, the City will agree to enter into a Parking Management Agreement with Parking Company of America, or their designee, to manage, operate, and maintain the properties; and

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

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

Section 1. That, notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a purchase agreement with CP-Snow Properties, LLC and CP-Cleveland Holdings, LLC, or their designee, for the purchase of the business assets of Airport Fast Park located at 18899 Snow Road and Park Place located at 18951 Snow Road, including but not limited to, inventories, plants, properties, and equipment, and also assume all applicable operating contracts, leases, licenses, and permits associated with both companies.

Section 2. That the terms of the purchase agreement shall include, but not be limited to, an upfront payment of approximately \$56.7 million to take out existing lien positions; and revenue-sharing equal to 20% of net cash flow to the sellers beginning in January 2016.

Section 3. 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 Airport Fast Park at 18899 Snow Road and Park Place at 18951 Snow Road, in Brook Park, Ohio, for future economic advantage.

Section 4. That the Director of Port Control is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and record the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 5. That the consideration to be paid for the properties shall not exceed fair market value as determined by the Board of Control.

Section 6. That the Director of Port Control is authorized to enter into a Parking Management Agreement with Parking Company of America, or their designee, to manage, operate, and maintain the two off-airport parking facilities for a period of ten years, payable from the fund or funds to which will be credited the proceeds

from the operation of the subject properties.

Section 7. That all costs of acquisition shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 112, 60 SF 114, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 129, 60 SF 130, 60 SF 141, 60 SF 160, and from the fund or funds to which are credited any grants or any passenger facility charges if authorized for this purpose and from the fund or funds to which are credited the proceeds of the sale of future airport revenue bonds issued for this purpose, Request No. RQS 3001, RL 2013-129.

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 Port Control, City Planning Commission, Finance, Law; Committees on Aviation and Transportation, City Planning, Finance.

Ord. No. 1115-13.

By Council Member Brancatelli.

An emergency ordinance to amend Section 365.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1027-04, passed August 11, 2004, requiring that in order to rent and register a residential unit there shall be no delinquent property taxes or delinquent charges owed to the City related to such property.

Whereas, there are numerous residential rental units in the City of Cleveland with respect to which there are delinquencies in the payment of property taxes and/or past due charges; and

Whereas, certain residential landlords rent their residential units without payment of property taxes and/or past due charges until such time as such residential units go into foreclosure; 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 Section 365.01 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1027-04, passed August 11, 2004 is amended as follows:

Section 365.01 Certificate of Rental Registration Required

(a) For purposes of this chapter, a residential unit is defined as any part of a building being used as an individual's private residence. An owner, (legal, equitable or otherwise), agent or person in charge of any residential unit, used or designed or intended to be used as a residential unit, located within the City of Cleveland, shall not rent or lease those units, or any part of those units, for residential occupancy unless the owner obtains a certificate of rental registration issued by the Commissioner of Building and Housing for that structure or units.

(b) If the owner of a residential unit rents or leases a residential unit or any part of it, without obtaining a

Certificate of Rental Registration, the owner is in violation of this chapter. If the owner leases or rents more than one (1) residential unit without obtaining a Certificate of Rental Registration, each residential unit rented or leased without a Certificate of Rental Registration is a separate violation.

(c) In order for any residential unit to be eligible for rental and registration as a rental unit in the City of Cleveland, there shall be no delinquent property taxes or delinquent charges due and owing to the City of Cleveland with respect to such property. If the owner of a residential unit rents or leases a residential unit or any part of it for any period of time during which there are delinquent property taxes or delinquent charges due and owing with respect to such property, the owner is in violation of this chapter. For purposes of this section, a property tax is defined as any ad valorem tax assessed against the property and recorded by the County of Cuyahoga, Ohio.

Section 2. That existing Section 365.01 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1027-04, passed August 11, 2004 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.

Referred to Directors of Building and Housing, Public Utilities, Finance, Law; Committees on Community and Economic Development, Public Utilities, Legislation, Finance.

Ord. No. 1168-13.

By Council Member Sweeney.

An emergency ordinance to amend Section 161.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3143-83, passed June 18, 1984, and Section 161.06, as amended by Ordinance No. 339-73, passed March 12, 1973, relating to voting of the Chairperson, and prior notice of the Cleveland Landmark Commission's rule changes.

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 Section 161.03 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 3143-83, passed June 18, 1986, and Section 161.06, as amended by Ordinance No. 339-73, passed March 12, 1973, are amended as follows:

Section 161.03 Landmarks Commission, Composition and Terms

There is hereby created the Cleveland Landmarks Commission. The Commission shall consist of eleven (11) members, seven (7) of whom shall be appointed by the Mayor, subject to the confirmation of Council. The remaining members shall be the Commissioner of Architecture, or his or her designee, the Director of the City Planning Commission, or his or her designee, who shall act as Secretary of the Landmarks Commission and two (2) members appointed by the Council President to serve during the term of such Council. Members to be appointed by the Mayor shall be chosen from nominations made by the Western Reserve Historical Society, the Cleveland Chapter of the American Institute of Architects and the Early Settlers Association. At least one (1) member shall be an owner of commercial or industrial real property; at least one (1) member shall be a registered architect; at least one (1) member shall be a historian qualified in the field of historic preservation; at least one (1) member shall be a licensed real estate broker; at least one (1) member shall be an attorney; and all members shall have, to the highest extent practicable, a known interest in landmarks preservation.

The terms of members appointed by the Mayor next after the expiration of the two (2) year terms of the members of the Commission existing on the effective date of this section shall be: two (2) members, two (2) year terms; and five (5) members, four (4) year terms. Thereafter, the terms of all members appointed by the Mayor shall be four (4) years. The terms of members appointed by the President of the Council shall be four (4) years. Members may be reappointed. Members appointed by the Council President shall be appointed for terms of four (4) years.

The members shall select a Chairperson and a Vice-Chairperson to serve for two (2) year terms. **The Chairperson shall only vote to break a tie.** The members shall serve without compensation.

Section 161.06 Powers and Duties of Commission

The Commission shall have the following powers and duties in addition to those otherwise specified in this chapter:

(a) The Commission shall conduct a continuing survey of all areas, places, buildings, structures, works of art or similar objects in the City which the Commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as landmarks or landmark districts;

(b) The Commission shall work for the continuing education of the citizens of the City with respect to the historic and architectural heritage of the City and the landmarks and landmark districts designated under the provisions of this chapter. It shall keep current and publish a register of landmarks and landmark districts;

(c) The Commission shall have authority to establish, within the spirit and purposes of this chapter, criteria, rules and regulations for evaluating applications for certificates of appropriateness submitted to it and the manner in which they shall be processed. **The Commission shall notify the Mayor and City Council of any proposed rule changes prior to voting on such rule changes;**

(d) The Commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties.

Section 2. That existing Section 161.03 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 3143-83, passed June 18, 1986, and Section 161.06, as amended by Ordinance No. 339-73, passed March 12, 1973, 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 City Planning Commission, Law; Committees on Legislation, Finance.

FIRST READING ORDINANCES REFERRED

Ord. No. 1080-13.

By Council Member Cimperman.

An ordinance establishing a Pedestrian Retail Overlay Special Sign District (PRO-S) on lands located on the northwest and southwest sides of Professor Avenue between West 10th Street and Jefferson Avenue; including lands along College Avenue and Jefferson Avenue between Tremont Street and W. 7th Street as shown shaded and outlined on the attached map (Map Change No. 2437).

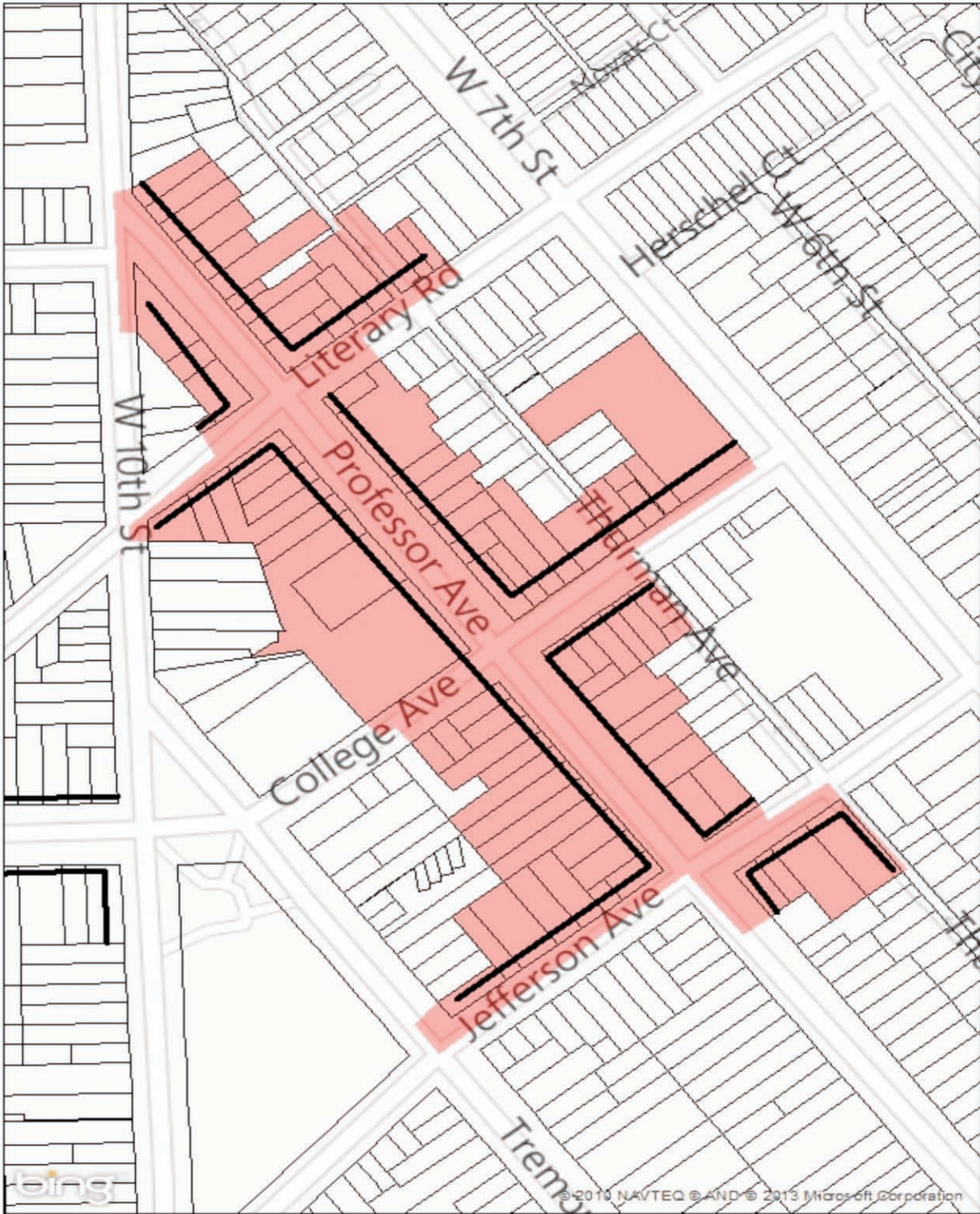
Be it ordained by the Council of the City of Cleveland:

Section 1. That the lands located on the northwest and southwest sides of Professor Avenue between West 10th Street and Jefferson Avenue including lands along College Avenue and Jefferson Avenue between Tremont St. and W. 7th St., as shown shaded and outlined on the attached map are hereby designated as a Pedestrian Retail Overlay Special Sign District (PRO-S).

Section 2. That the overlay designation of lands described in Section 1 shall be identified as Map Change No. 2437, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

PRO Overlay and Street Frontage Designation Map Change 2437



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

Ord. No. 1081-13.

By Council Member Cimperman.

An ordinance establishing a Pedestrian Retail Overlay Special Sign District (PRO-S) on lands located along W. 14th Street, Starkweather Avenue and Auburn Avenue as shown on the attached map (Map Change No. 2438).

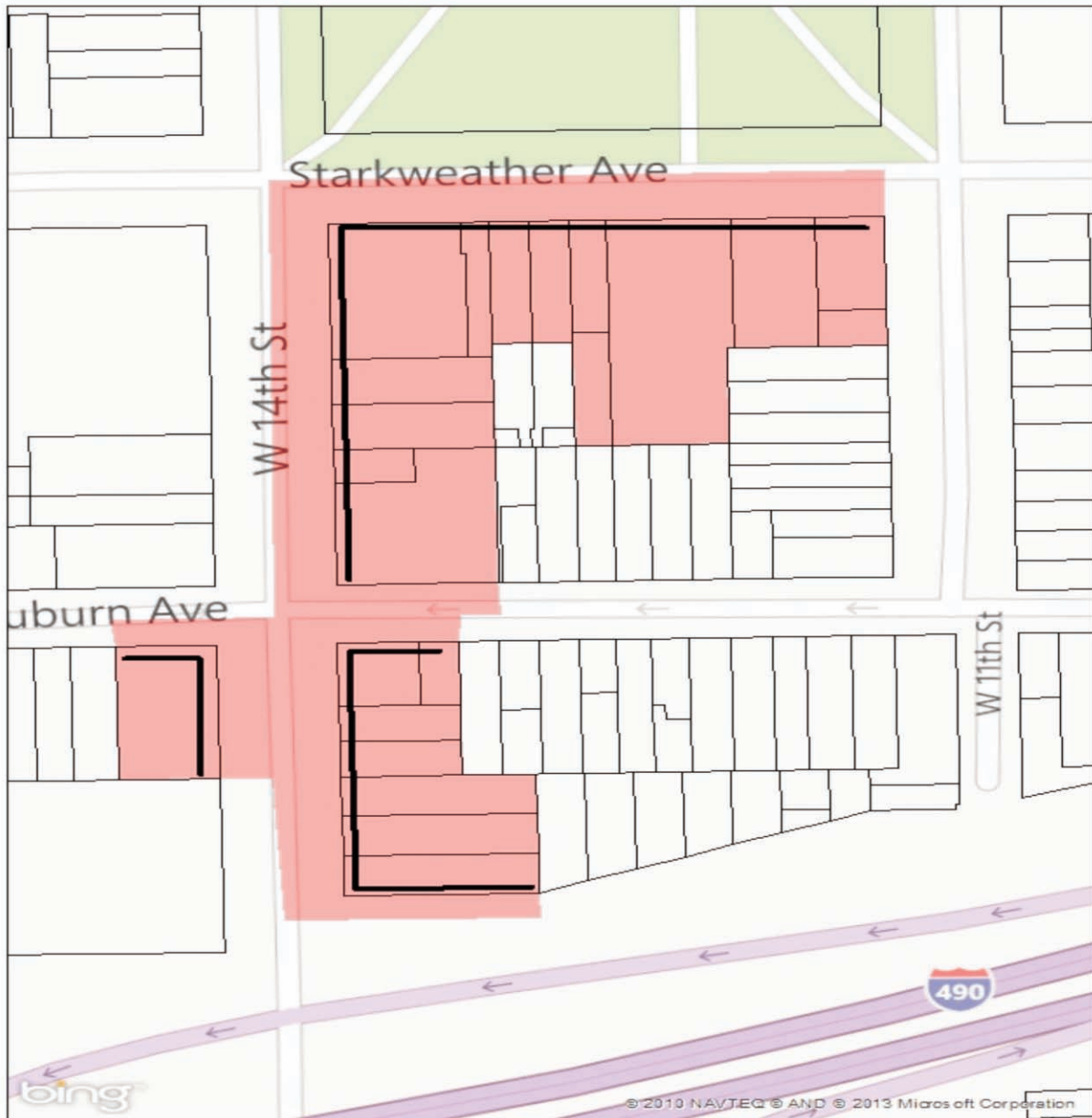
Be it ordained by the Council of the City of Cleveland:

Section 1. That the lands located on lands located along West 14th Street, Starkweather Avenue and Auburn Avenue as shown shaded and outlined on the attached map are hereby designated as a Pedestrian Retail Overlay Special Sign District (PRO-S).

Section 2. That the overlay designation of lands described in Section 1 shall be identified as Map Change No. 2438, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

PRO Overlay and Street Frontage Designation Map Change 2438



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

Ord. No. 1082-13.

By Council Member Cimperman.

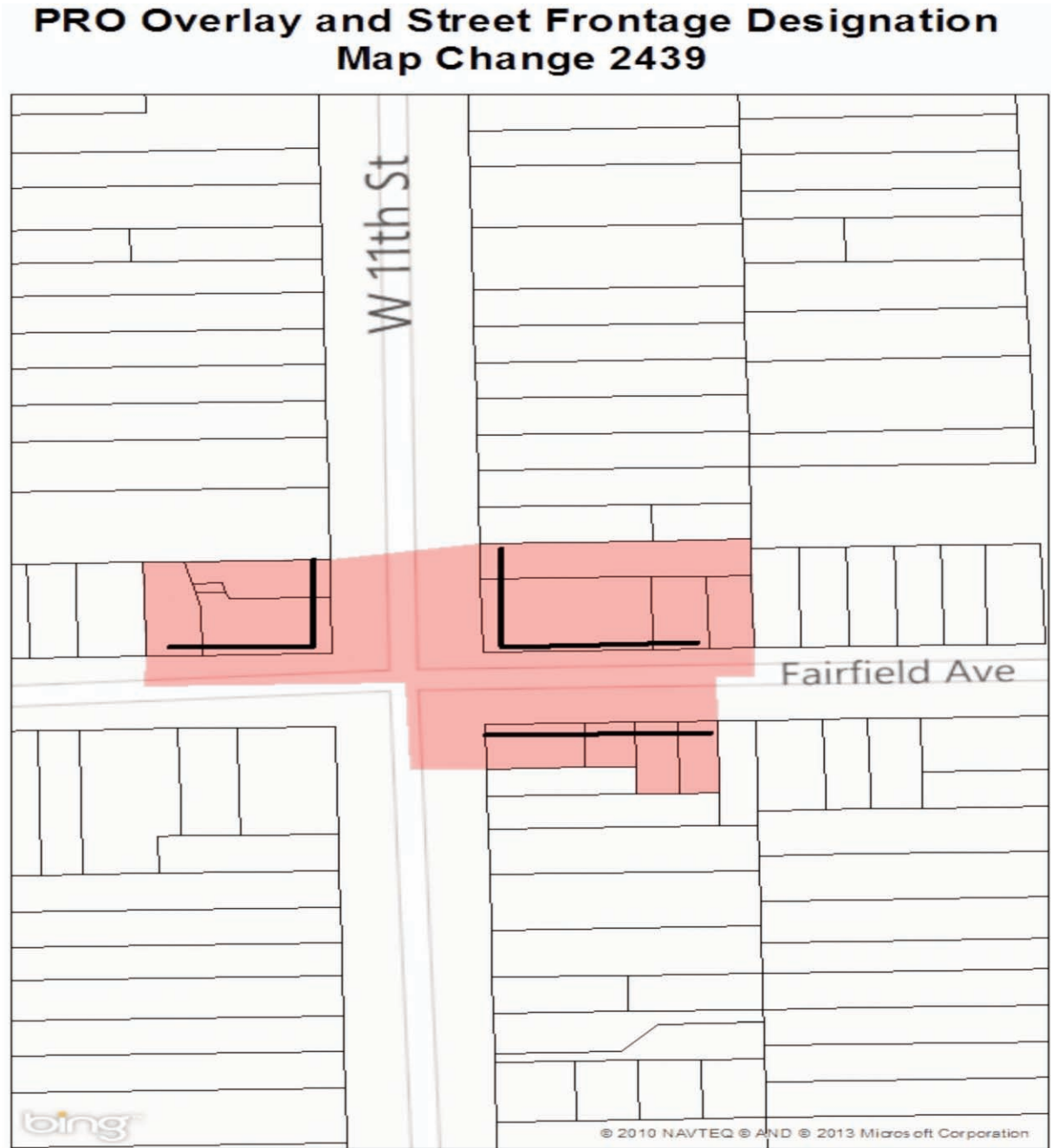
An ordinance establishing a Pedestrian Retail Overlay Special Sign District (PRO-S) on lands located at the intersection of Fairfield Avenue and West 11th Street (Map Change No. 2439).

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

Section 1. That the lands located at the intersection of Fairfield Avenue and West 11th Street as shown shaded and outlined on the attached map are hereby designated as a Pedestrian Retail Overlay Special Sign District (PRO-S).

Section 2. That the overlay designation of lands described in Section 1 shall be identified as Map Change No. 2439, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

Ord. No. 1083-13.

By Council Member Cimperman.

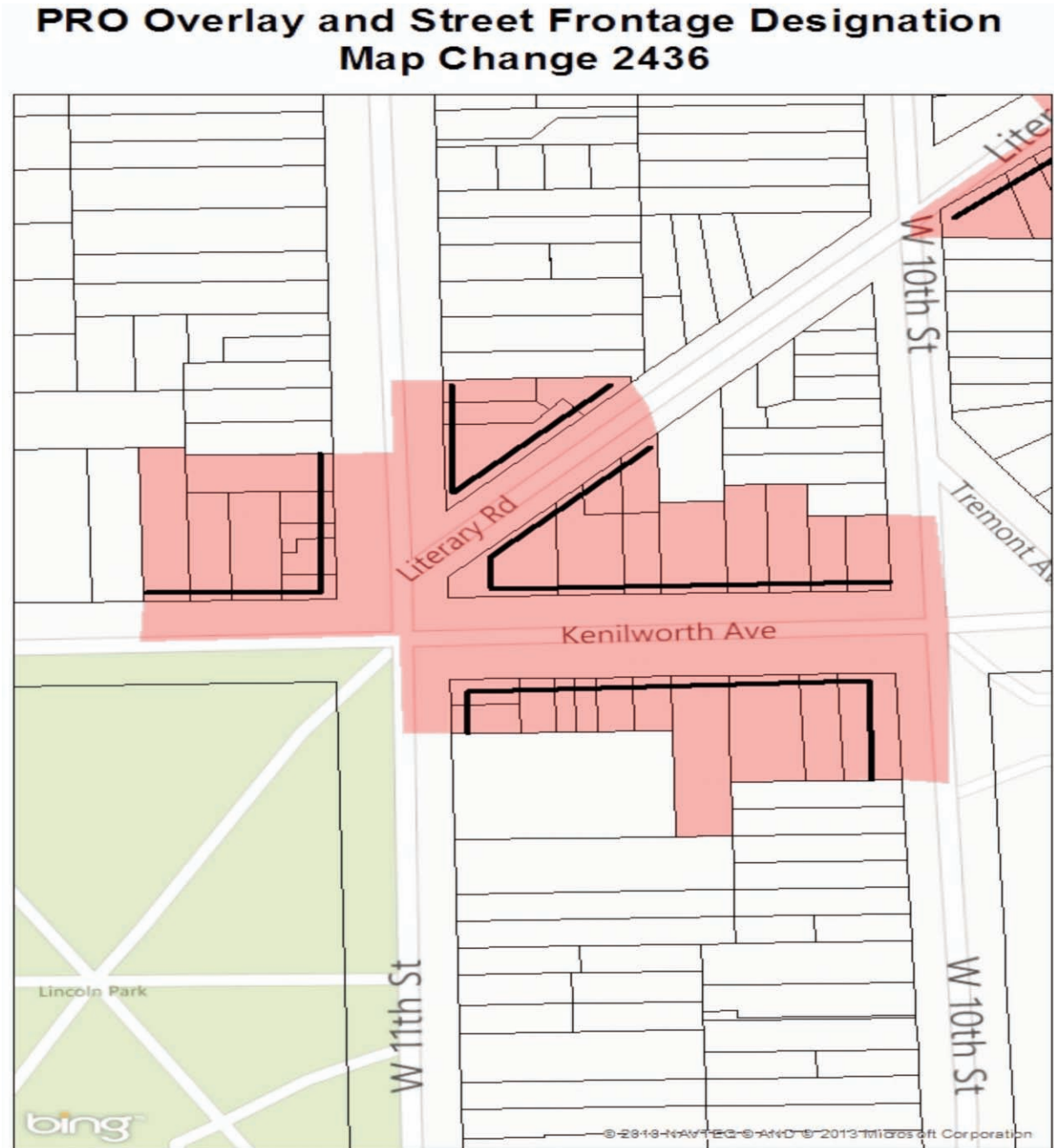
An ordinance establishing a Pedestrian Retail Overlay Special Sign District (PRO-S) on lands located at the intersection of Kenilworth Avenue, Literary Road and West 11th Street (Map Change No. 2436).

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

Section 1. That the lands located at the intersection Kenilworth Avenue, Literary Road and West 11th Street as shown shaded and outlined on the attached map are hereby designated as a Pedestrian Retail Overlay Special Sign District (PRO-S).

Section 2. That the overlay designation of lands described in Section 1 shall be identified as Map Change No. 2436, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

Ord. No. 1084-13.**By Council Member Cimperman.****An ordinance establishing a Pedestrian Retail Overlay Special Sign District (PRO-S) on lands located at the intersection of Professor Avenue and Starkweather Avenue (Map Change No. 2441).**

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

Section 1. That the lands located at the intersection of Professor Avenue and Starkweather Avenue as shown shaded and outlined on the attached map are hereby designated as a Pedestrian Retail Overlay Special Sign District (PRO-S).

Section 2. That the overlay designation of lands described in Section 1 shall be identified as Map Change No. 2441, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

PRO Overlay and Street Frontage Designation Map Change 2441



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

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

Ord. No. 1068-13.

By Council Member Miller.

An emergency ordinance to add the name "Roosevelt Pendleton - Penn Barbershop Way" as a secondary name to Vashti Avenue from East 124th Street to St. Clair Avenue.

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 Codified Ordinances of the City of Cleveland, 1976, the name "Roosevelt Pendleton - Penn Barbershop Way" shall be added as a secondary name to Vashti Avenue from East 124th Street to St. Clair Avenue.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time, Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1069-13.

By Council Member Reed.

An emergency ordinance authorizing the Director of the Department of Public Safety to enter into an agreement with the Mount Pleasant Community Zone for the Neighborhood Safety and Security Program for the Mt. Pleasant and Kinsman Neighborhood Area through the use of Ward 2 Cleveland Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Public Safety be authorized to enter into an agreement with the Mount Pleasant Community Zone for the Neighborhood Safety and Security Program for the public purpose of joint collaboration with the Fourth District Police Station on safety activities and the coordination of the use of security cameras along the commercial area in the Mt. Pleasant and Kinsman Road neighborhood area that is in the city of Cleveland through the use of Ward 2 Cleveland Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. 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 19. Nays 0. Read second time, Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1070-13.

By Council Member Dow.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Hough Development Corporation or its designee the Bellaire Puritas Development Corporation for the New Day in Hough Expo through the use of Ward 7 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement effective July 27, 2013 with the Hough Development Corporation or its designee the Bellaire Puritas Development Corporation for the New Day in Hough Expo for the public purpose of providing information on various city services and social support programs that are available to city of Cleveland residents through the use of Ward 7 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$8,000 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. 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 19. Nays 0. Read second time, Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1071-13.

By Council Member Brady.

An emergency ordinance authorizing Shawn Stephens to engage in mobile peddling in Ward 17.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 17; and

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

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

Section 1. That, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Shawn Stephens to engage in mobile peddling in the public right of way in Ward 17.

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

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

Section 4. That this ordinance 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 19. Nays 0. Read second time, Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1072-13.

By Council Members Conwell and J. Johnson.

An emergency ordinance to amend Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-13 passed May 20, 2013 relating to automated camera locations.

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 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-13 passed May 20, 2013 is hereby amended to read as follows:

Section 413.031 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) *Civil Enforcement System Established.* The City of Cleveland hereby adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (p). This civil enforcement system imposes monetary liability on the "owner" of a vehicle as defined in division (p) for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) *Red Light Offense - Liability Imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle cross-

es a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light

(c) *Speeding Offense - Liability Imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) *Liability Does Not Constitute a Conviction.* The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person on whom the liability is imposed.

(e) *Other Offenses and Penalties Not Abrogated.* Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) *Selection of Camera Sites.* The selection of the sites where automated cameras are placed and the enforcement of this ordinance shall be made on the basis of sound professional traffic engineering and law enforcement judgments. Automated cameras shall not be placed at any site where the speed restrictions or the timing of the traffic signal fail to conform to sound professional traffic engineering principles.

(g) *Locations.* The following are the locations for the Automated Traffic Enforcement Camera System:

Locations

Shaker Boulevard at Shaker Square
 Chester Avenue at Euclid Avenue
 West Boulevard at North Marginal Road
 Shaker Boulevard at East 116th Street
 West Boulevard at I-90 Ramp
 Chester Avenue at East 71st Street
 East 55th Street at Carnegie Avenue
 Woodland Avenue in the 4500 to 4700 block
 Euclid Avenue between Cliffview Road and Torbenson Road
 East 131st Street at Harvard Avenue
 Carnegie Avenue at East 30th Street
 Cedar Avenue at Murray Hill Road
 Grayton Road at I-480 Ramp
 Euclid Avenue at Mayfield Road
 Warren Road at I-90 Ramp
 Prospect Avenue at East 40th Street
 East 116th Street at Union Avenue
 Pearl Road at Biddulph Road
 Carnegie Avenue at East 100th Street
 Carnegie Avenue at Martin Luther King Jr. Drive
 Memphis Avenue at Fulton Road
 Lakeshore Boulevard at East 159th Street
 St. Clair Avenue at London Road
 Clifton Boulevard between West 110th Street and West 104th Street
 Chester Avenue between East 55th Street and East 40th Street
 Woodland Avenue between East 66th Street and East 71st Street
 West Boulevard between I-90 Ramp and Madison Avenue

Lee Road between Tarkington Avenue and I-480 Ramp
 I-90 and West 41st Street
 I-90 and West 44th Street
 Woodland Avenue at East 55th Street
 Harvard Avenue at Lee Road
 Orange Avenue at East 30th Street
 Chester Avenue at East 105th Street
 St. Clair Avenue at East 152nd Street
 Kinsman Road at East 93rd Street
 Lee Road at Miles Road
 Stokes Boulevard at Cedar Avenue
 West 25th Street at Clark Avenue
 I-490 at East 55th Street
 Pearl Road at Denison Avenue
 Broadview Road at Brookpark Road
 West 65th Street and Clark Avenue
 St. Clair Avenue at East 105th Street
 Woodland Avenue at East 30th Street
 Lorain Avenue at West 65th Street
 Broadview Road at Spring Road
 St. Clair Avenue at East 55th Street
 Puritas Avenue at West 150th Street
 Martin Luther King Jr. Drive at East 105th Street
 East 105th Street and Superior Avenue
 East 156th Street and Waterloo Road
 Neff Road and East 185th Street

The Director of Public Safety shall cause the general public to be notified by means of a press release issued at least thirty (30) days before any given camera is made fully operational and is used to issue tickets to offenders. Before a given camera issues actual tickets, there shall be a period of at least two (2) weeks, which may run concurrently with the thirty (30) day public-notice period, during which only "warning" notices shall be issued.

At each site of a red light or fixed speed camera, the Director of Public Works shall cause signs to be posted to apprise ordinarily observant motorists that they are approaching an area where an automated camera is monitoring for red light or speed violators. Mobile speed units shall be plainly marked vehicles.

(h) *Notices of Liability.* Any ticket for an automated red light or speeding system violation under this section shall:

(1) Be reviewed by a Cleveland police officer;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(i) *Penalties.* Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by RC 4507.021 ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(j) *Ticket Evaluation, Public Service, and Appeals.* The program shall include a fair and sound ticket-evaluation process that includes review by the vendor and a police officer, a strong customer-service commitment, and an appeals process that accords due process to the ticket respondent and that conforms to the requirements of the Ohio Revised Code.

(k) *Appeals.* A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the ticket. The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

Appeals shall be heard by the Parking Violations Bureau through an administrative process established by the Clerk of the Cleveland Municipal Court. At hearings, the strict rules of evidence applicable to courts of law shall not apply. The contents of the ticket shall constitute a prima facie evidence of the facts it contains. Liability may be found by the hearing examiner based upon a preponderance of the evidence. If a finding of liability is appealed, the record of the case shall include the order of the Parking Violations Bureau, the ticket, other evidence submitted by the respondent or the City of Cleveland, and a transcript or record of the hearing, in a written or electronic form acceptable to the court to which the case is appealed.

Liability shall not be found where the evidence shows that the automated camera captured an event that is not an offense, including each of the following events and such others as may be established by rules and regulations issued by the Director of Public Safety under the authority of division (n) of this section:

(1) The motorist stops in time to avoid violating a red light indication;

(2) The motorist proceeds through a red light indication as part of funeral procession;

(3) The motorist is operating a City-owned emergency vehicle with its emergency lights activated and proceeds through a red light indication or exceeds the posted speed limitation;

(4) The motorist is directed by a police officer on the scene contrary to the traffic signal indication.

Liability shall also be excused if a vehicle is observed committing an offense where the vehicle was stolen prior to the offense and the owner has filed a police report.

The Director of Public Safety, in coordination with the Parking Violations Bureau, shall establish a process by which a vehicle owner who was not the driver at the time of the alleged offense may, by affidavit, name the person who the owner believes was driving the vehicle at the time. Upon receipt of such an affidavit timely submitted to the Parking Violations Bureau, the Bureau shall suspend further action against the owner of the vehicle and instead direct notices and collection efforts to the person identified in the affidavit. If the person named in the affidavit, when notified, denies being the driver or denies liability, then the Parking Violations Bureau shall resume the notice and collection process against the vehicle owner, the same as if no affidavit had been submitted, and if the violation is found to have been committed by a preponderance of evidence, the owner shall be liable for any penalties imposed for the offense.

A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Ohio Revised Code.

(l) *Evidence of Operation.* It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehi-

cles, or with any other state vehicle registration office, or in the case of a leased or rented vehicle, the "lessee" as defined in division (p), was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(m) *Program Oversight.* The Director of Public Safety shall oversee the program authorized by this section. The Director of Public Works shall oversee the installation and maintenance of all automated cameras. An encroachment permit shall be authorized in the legislation in which locations are selected.

(n) *Rules and Regulations.* The Director of Public Safety may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after publication in the City Record.

(o) *Establishment of Penalty.* The penalty imposed for a violation of division (b) or (c) of this section shall be follows:

413.031(b)		
All violations	\$100.00	
413.031(c)		
Up to 24 mph over the speed limit:	\$100.00	
25 mph or more over the speed limit:	\$200.00	
Any violation of a school or construction zone speed limit:	\$200.00	

Late penalties: for both offenses, if the penalty is not paid within twenty (20) days from the date of mailing of the ticket to the offender, an additional twenty dollars (\$20.00) shall be imposed, and if not paid within forty (40) days from that date, another forty dollars (\$40.00) shall be imposed, for a total additional penalty in such a case of sixty dollars (\$60.00).

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

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "Lessee" includes renter and means:

A. the person identified as a vehicle lessee or renter by a motor vehicle leasing dealer or motor vehicle renting dealer pursuant to RC 4511.092 and further identified by the dealer as the person having care, custody or control of the vehicle at the time of a violation of divisions (b) or (c); or

B. the person identified as the lessee or as an additional owner of a vehicle in the records of the Ohio Bureau of Motor Vehicles or the records of any other state motor vehicle bureau.

(3) "System location" means the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(4) "Vehicle owner" or "owner" means the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle, or in the

case of a leased or rented vehicle, the "lessee".

Section 2. That existing Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-13 passed May 20, 2013 is hereby repealed.

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

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 15. Nays 4.

Those voting Yea: Council Members Brancatelli, Cimperman, Cleveland, Conwell, Cummins, J. Johnson, K. Johnson, Keane, Kelley, Mitchell, Polensek, Pruitt, Sweeney, Westbrook and Zone.

Those voting Nay: Council Members Brady, Dow, Miller and Reed.

Ord. No. 1085-13.
By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 667-13, passed May 20, 2013, relating to the 2013 Home Weatherization Assistance Program.

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

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

Section 1. That Section 1 of Ordinance No. 667-13, passed May 20, 2013, is amended to read as follows:

Section 1. That the Director of Community Development is authorized to expend the approximate amount of **\$2,900,000 and any other funds that become available during the grant term**, from the State of Ohio, ODSA, to conduct the 2013 Home Weatherization Assistance Program and that up to 7% of the grant amount may be spent for administrative costs of the program.

Section 2. That existing Section 1 of Ordinance No. 667-13, passed May 20, 2013, 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1086-13.
By Council Members Cimperman, Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept several grants from JobsOhio, the Clean

Ohio Council and/or the State of Ohio in connection with Phase II of the Flats East Bank development; and authorizing the Director to enter into one or more contracts with Flats East Development, LLC, or its designee, to implement the grant 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 Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from JobsOhio, the Clean Ohio Council, and/or the State of Ohio Development Services Agency, or their successors or designees, a Roadwork Development grant in an amount up to \$2,500,000 from JobsOhio and/or the State of Ohio Development Services Agency, or their successors or designees, and a Jobs and Commerce Program Grant in an amount up to \$2,500,000 from JobsOhio and/or the State of Ohio Department of Transportation or their successors or designees, for environmental assessment, remediation, infrastructure, and/or redevelopment assistance in connection with Phase II of the Flats East Bank development, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the executive summary for the grants contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grants, File No. 1086-13-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 Economic Development is authorized to enter into one or more contracts with Flats East Development, LLC, or its designee, to implement the grant projects.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That the cost of the contract or contracts authorized will be paid from the funds or subfunds that are credited the proceeds of the grants accepted under this ordinance.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1087-13.
By Council Members Cimperman, Brancatelli, Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from JobsOhio and/or the State of Ohio Development Services Agency, or its successor or designee, in connection with the proposed redevelopment of the former Fairmont Creamery site at 1720 Willey Avenue; and authorizing the Director to enter into one or more contracts with Sustainable Community Associates, or its designee, to implement the grant 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 Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$1,000,000, from JobsOhio and/or the State of

Ohio Development Services Agency, or their successors or designees, for environmental assessment, remediation, and/or redevelopment assistance in connection with the proposed redevelopment of the former Fairmont Creamery site at 1720 Willey Avenue, to be used to implement the project as described in the executive summary below; 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 executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grant, File No. 1087-13-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 Economic Development is authorized to

enter into one or more contracts with Sustainable Community Associates, or its designee, to implement the grant project.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1088-13.

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 30 and 36 of Ordinance No. 1689-11, passed November 28, 2011, as enacted and amended by various ordinances, relating to compensation for various classifications.

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

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

Section 1. That Section 30 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 753-12, passed June 4, 2012, and Section 36 of Ordinance No. 1689-11, passed November 28, 2011, are amended to read as follows:

Section 30. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administrative Officer	\$20,800.00	\$52,979.99
2. Cable Protection Specialist	20,800.00	37,416.11
3. Case Worker Supervisor.....	20,800.00	45,229.92
4. Chief Caseworker Supervisor.....	22,426.64	45,943.18
5. Chief Clerk.....	22,050.00	47,550.25
6. Chief Photographer.....	20,800.00	51,187.90
7. Chief Telephone Operator.....	20,800.00	50,040.00
8. Epidemiologist.....	40,000.00	82,781.08
9. Personnel Analyst I.....	21,000.00	47,258.25
10. Public Health Emergency Preparedness Specialist.....	30,160.00	53,352.00
11. Safety Programs Officer I.....	25,000.00	66,226.65
12. Safety Programs Officer II.....	25,000.00	46,357.77
13. Secretary to Board of Examiner of Board of Review (Electrical).....	20,800.00 39,782.36	
14. Secretary - Boxing and Wrestling Commission.....	30,573.46	36,325.25
15. Superintendent of Maintenance	23,606.98	57,223.92
16. Supervisor of Income Tax Files.....	20,800.00	39,782.36

Section 36. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant Supervisor	\$23,647.11	\$72,539.05
2. Assistant Chief of Water Distribution.....	23,647.11	86,668.37
3. Assistant Commissioner of Assessments and Licenses	23,647.11	84,588.76
4. Assistant Commissioner, Division of Printing and Reproduction.....	23,647.11	84,588.76
5. Building Manager	23,647.11	78,080.22
6. Business Process Analyst.....	55,000.00	97,850.00
7. Chief Architect.....	23,647.11	101,803.14
8. Chief Auditor - Utilities	23,647.11	84,588.76
9. Chief City Planner	30,000.00	82,781.08
10. Chief, Computer Operations.....	23,647.11	84,588.76
11. Chief Engineer - Civil	23,647.11	84,588.76

12.	Chief Engineer - Mechanical.....	23,647.11	84,588.76
13.	Chief Legal Investigator - Civil Branch	23,647.11	67,017.93
14.	Chief of Street Lighting and Electrical Services	23,647.11	97,572.42
15.	Chief of Laboratories	23,647.11	80,353.75
16.	Chief of Purification	23,647.11	86,668.37
17.	Convention Manager	23,647.11	78,080.22
18.	Development Finance Analyst I	34,000.00	60,216.00
19.	Development Finance Analyst II	51,043.20	85,000.00
20.	Financial Systems Coordinator.....	23,647.11	67,017.93
21.	Fiscal Grants Administrator.....	40,000.00	86,093.31
22.	Fiscal Manager.....	23,647.11	84,588.76
23.	Health Promotion Coordinator.....	22,333.40	77,262.20
24.	Investment Manager.....	23,647.11	84,588.76
25.	Manager of Enterprise Unit	23,647.11	78,080.22
26.	Manager of Events.....	23,647.11	78,080.22
27.	Manager of General Maintenance	23,647.11	78,080.22
28.	Manager of Markets	23,647.11	78,080.22
29.	Manager of Parking	23,647.11	78,080.22
30.	Manager of Recreation.....	40,000.00	78,080.22
31.	Master Plan Examiner.....	23,647.11	101,803.14
32.	Purchasing Supervisor - Division of Purchases and Supplies.....	23,647.11	67,017.93
33.	Secretary to the Board of Building Standards and Building Appeals.....	23,647.11	82,781.08
34.	Secretary to the Board of Zoning Appeals	23,647.11	82,781.08
35.	Security Manager.....	23,647.11	90,684.96
36.	Senior Internal Auditor	23,647.11	67,017.93
37.	Senior Programmer Analyst	23,647.11	69,365.01
38.	Supervisor - Information Control	23,647.11	67,017.93
39.	Theatrical Manager.....	23,647.11	67,017.93
40.	Water Plant Manager	23,647.11	97,572.42

Section 2. That existing Section 30 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 753-12, passed June 4, 2012, and existing Section 36 of Ordinance No. 1689-11, passed November 28, 2011, are repealed.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1089-13.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of the necessary items of labor and materials necessary to install exhaust system upgrades at various fire stations and to install appurtenances on certain vehicles to divert exhaust from the fire stations, including installation, for the Divisions of Fire and Emergency Medical Service, Department of Public Safety, for a period of one year, with a one year option to renew, exercisable by the Director 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 the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements period of one year, with a one year option to renew, exercisable by the Director of Public Safety, of the necessary items of labor and materials necessary to install exhaust system upgrades at various fire stations and to install appurtenances on certain vehicles to divert exhaust from the fire stations, including installation, for the Divi-

sions of Fire and Emergency Medical Service, in the estimated sum of \$114,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Fire and Emergency Medical Service, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, and 20 SF 553 and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 6001, RL 2013-32)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary

to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1090-13.

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

An emergency ordinance authorizing the Director of the Office of Equal Opportunity, or the Executive Director of Workforce Development, to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, Department of Labor, Cuyahoga County, or other fiscal agents, for the 2013 Workforce Investment Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement

the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the program; and to sublease areas at Employment Connection, located at 1020 Bolivar Road.

Whereas, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA"), the purpose of which is to "... provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation"; and

Whereas, under WIA, the Governor of the State of Ohio has designated Ohio Workforce Areas for the WIA throughout Ohio and the governor has designated the geographic boundaries of the City of Cleveland ("City") and Cuyahoga County as Ohio Workforce Area ("OWA") No. 3; and

Whereas, in order to achieve greater cooperation, better address the needs of the citizens of the City and the County, maximize the use of available funds, and comply with the request of the Ohio Governor's Workforce Policy Board of the State of Ohio and generally administer funds and programs under the Workforce Investment Act (WIA), the American Reinvestment Recovery Act (ARRA), and other Workforce Development programs, the City and the County have combined their boards, service areas, and programs and created a consolidated Workforce Investment Area for OWA No. 3 in accordance with an Intergovernmental Agreement entered into by the Mayor and the Cuyahoga County Board of Commissioners on June 4, 2007 ("IGA"); and

Whereas, in accordance with the agreement required by the WIA and approved by the Governor, for the WIA Program Year ("PY") 2013 through June 30, 2015, between the Chairman of the Workforce Investment Board of Cleveland ("WIBC"), Cuyahoga County, and the City, the City has been designated as the WIA grant recipient, administrative entity; and

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

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

Section 1. That the Director of the Office of Equal Opportunity, or the Executive Director of Workforce Development (the "Director"), is authorized to apply for, accept and expend grants and resources in the approximate amount of \$3,000,000, from the Ohio Department of Job and Family Services, Department of Labor, Cuyahoga County or other fiscal agents, for the Workforce Development program services to eligible individuals and businesses. The Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants.

Section 2. That the Director is authorized to enter into one or more contracts with various agencies, enti-

ties or organizations to administer and implement the following components of the grant:

Youth Activities

- 10 YOUTH PROGRAM ELEMENTS
 - Tutoring, Study Skills and Instruction
 - Alternative Secondary School Services
 - Summer Employment
 - Paid Work Experience
 - Occupational Skills Training
 - Leadership Development
 - Supportive Services
 - Mentoring
 - Follow-up Services
 - Comprehensive Guidance and Counseling
- PRE-VOCATIONAL ACTIVITIES
- JOB READINESS TRAINING
- JOB DEVELOPMENT/JOB PLACEMENT
- ON THE JOB TRAINING
- JOB FAIRS, FURNITURE AND EQUIPMENT, WIB MEETINGS, YOUTH COUNCIL, PROVIDER MEETINGS
- YOUTH COUNCIL AND WIB INITIATIVES AND SPECIAL PROJECTS

Adult Activities

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- INCUMBENT WORKER TRAINING
- SPECIALIZED POPULATION
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- FOLLOW-UP SERVICES
- JOB DEVELOPMENT AND EMPLOYER SERVICES
- JOB READINESS TRAINING
- JOB PLACEMENT/CAREER COACHING
- JOB DEVELOPMENT AND EMPLOYER SERVICES
- JOB FAIRS, FURNITURE AND EQUIPMENT, WIB MEETINGS, PROVIDER MEETINGS
- CORE SERVICES
- INTENSIVE SERVICES
- ENTREPRENEURIAL ACTIVITIES
- EMPLOYEE AND EMPLOYER RECOGNITION EVENTS
- PRE-VOCATIONAL ACTIVITIES
- WIB INITIATIVES AND SPECIAL PROJECTS

Dislocated Worker Activities

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- INCUMBENT WORKER TRAINING
- SPECIALIZED POPULATION
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- PRE-VOCATIONAL ACTIVITIES
- FOLLOW-UP SERVICES
- JOB READINESS TRAINING
- PRE PLACEMENT/CAREER COACHING
- JOB FAIRS, FURNITURE AND EQUIPMENT, WIB MEETINGS, PROVIDER MEETINGS
- JOB DEVELOPMENT AND EMPLOYER SERVICES
- RAPID RESPONSE
- CORE SERVICES
- INTENSIVE SERVICES
- ENTREPRENEURIAL ACTIVITIES

- EMPLOYEE AND EMPLOYER RECOGNITION EVENTS
- WIB INITIATIVES AND SPECIAL PROJECTS

Section 3. That the Director is authorized to enter into one or more memoranda of understanding ("MOU") with various entities, agencies, or individuals participating in the Employment Connection services, activities and/or programs relating to cost-sharing contributions, for the purposes of implementing the Workforce Development programs as described in this ordinance. The Director is further authorized to enter into various agreements necessary to carry out the purposes of the MOUs. The Director is authorized to accept monies under the cost-sharing MOUs, and to deposit the cost sharing contributions in a revolving fund to be used for additional services or contracts under this program, and the funds are appropriated for that purpose.

Section 4. That the Director is authorized to enter into one or more agreements with Cuyahoga County to accept monies from the County to implement the Workforce Investment Act and Workforce Development programs as described in this ordinance, and to deposit the funds in a revolving fund to be used for additional services or contracts under this program, and the funds are appropriated for that purpose.

Section 5. That the Director is authorized to enter into one or more contracts with various entities, agencies, or individuals in order for the City of Cleveland to provide services under the Workforce Investment Act, the American Reinvestment Recovery Act, and Workforce Development programs authorized under this ordinance, and to receive payment for the services. The Director is authorized to accept monies under the first and third party billings, and to deposit the payments collected and other program income in a revolving fund to be used for additional services or contracts under this program, and that the funds are appropriated for that purpose.

Section 6. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director is authorized to sublease various areas at the Employment Connection, located at 1020 Bolivar Road, to various entities, agencies, or individuals, to provide Workforce Development and Economic Development services authorized under this ordinance.

Section 7. That the term of the subleases authorized by this ordinance shall not exceed two years, subject to annual appropriation and to the provisions of the City's lease agreement.

Section 8. That the subleases may authorize the various entities, agencies, or individuals to make improvements to the subleased premises subject to the approval of appropriate City agencies and officials, and to authorize the sublessees to contribute a share of operating costs

Section 9. That the subleases shall be prepared by the Director of Law.

Section 10. That the Director of the Office of Equal Opportunity, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions

which may be necessary or appropriate to effect the subleases authorized by this ordinance.

Section 11. That the Director is authorized to accept monies under the subleases authorized above, and to deposit the rent collected, and other program income, in a revolving fund to be used for additional contracts and services under this program, and that the funds are appropriated for that purpose.

Section 12. That the Director is authorized to enter into one or more contracts with various entities, agencies, or individuals to provide business services and/or rental space at 1020 Bolivar Road, Cleveland, OH 44115, and to receive payment for the services. The Director is authorized to accept monies for the services, and to deposit the payments collected in a revolving fund to be used for additional services or contracts under this program, and that the funds are appropriated for that purpose.

Section 13. That the cost of the contract or contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds and the revolving fund identified in this ordinance, which are accepted under this ordinance.

Section 14. That the following amounts are appropriated as follows to provide for administration of the Workforce Development programs and activities:

I. Salaries and payroll related expenses in an amount not to exceed \$1,000,000.

II. Operational and building related costs (Rent, Utilities, Security, Janitorial) at 1020 Bolivar Road, Cleveland, OH, 44115, in an amount not to exceed \$1,200,000.

III. Other Workforce Development grants, MOU Agreements, programs and activities in an amount not to exceed \$300,000

IV. Miscellaneous costs (Indirect costs, chargebacks, supplies) in an amount not to exceed \$500,000.

Section 15. That the Mayor or the Director of the Office of Equal Opportunity or the Executive Director of Workforce Development are authorized to enter into such other agreements as may be necessary to implement the single consolidated Workforce Development program.

Section 16. That the contracts and agreements authorized by this ordinance shall be prepared by the Director of Law.

Section 17. 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1106-13.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide pavement management services, on an as-needed

ed basis, for a period of one year, with three one-year options to renew, the second of which requires 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 employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide pavement management services, on an as-needed basis, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. 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. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 114, 60 SF 126, 60 SF 141, and from the fund or funds to which are credited any grants received for this purpose and any passenger facility charges that include this purpose, Request No. RQS 3001, RL 2013-112.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1117-13.

By Council Members Sweeney and Pruitt.

An emergency ordinance amending Section 2 of Ordinance No. 1397-12 passed October 1, 2012 as amended by Ordinance No. 268-13, passed

February 25, 2013 as it pertains to the Basketball Education and Recreation Program through the use of Wards 18 and 1 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 1397-12 passed October 1, 2012 as amended by Ordinance No. 268-13, passed February 25, 2013 is hereby amended to read as follow:

Section 2. That the cost of said contract shall be in an amount not to exceed **\$7,000** and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 1397-12 passed October 1, 2012 as amended by Ordinance No. 268-13, passed February 25, 2013 is hereby repealed.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1118-13.

By Council Members K. Johnson and Mitchell.

An emergency ordinance amending Section 1 of Ordinance No. 378-13 passed March 18, 2013 as it pertains to the Senior Landscaping and Snow Removal Program through the use of Wards 4 and 6 Neighborhood Capital Funds.

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

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

Section 1. That Section 1 of Ordinance No. 378-13 passed March 18, 2013 is hereby amended to read as follows:

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with the Buckeye Area Development Corporation effective **April 1, 2013** for the Senior Landscaping and Snow Removal Program for the public purpose of providing landscaping and snow removal services to senior citizens and disabled residents that reside in the city of Cleveland through the use of Wards 4 and 6 Neighborhood Capital Funds.

Section 2. That Section 1 of Ordinance No. 378-13 passed March 18, 2013 is hereby repealed.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1170-13.

By Council Member Conwell.

An emergency ordinance authorizing Anthony Madaloro to engage in mobile peddling in Ward 9.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 9; and

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

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

Section 1. That, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Anthony Madaloro to engage in mobile peddling in the public right of way in Ward 9

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

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

Section 4. That this ordinance 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1171-13.

By Council Member Zone.

An emergency ordinance authorizing Anthony Madaloro to engage in mobile peddling in Ward 15.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

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

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Anthony Madaloro to engage in mobile peddling in the public right of way in Ward 15

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

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

Section 4. That this ordinance 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1172-13.

By Council Members Westbrook and Brancatelli.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Western Reserve Land Conservancy d/b/a Thriving Communities Institute to provide professional consulting services to staff and administer the Vacant Abandoned Property Action Council whose member organizations, including Cleveland City Council, strategize solutions to the varied problems associated with vacant and abandoned property.

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement with Western Reserve Land Conservancy d/b/a/ Thriving Communities Institute to provide professional consulting services to staff and administer the Vacant Abandoned Property Action Council whose member organizations, including Cleveland City Council, strategize solutions to the varied problems associated with vacant and abandoned property. This agreement shall be entered into as of July 1, 2013 and shall be for a term concluding July 1, 2014.

Section 2. The agreement shall be certified for \$25,000 from Fund 01, Dept. 0101, Subfund 001, Object Code 6320.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1049-13.

By Council Member Westbrook.

An emergency resolution objecting to a New C1 Liquor Permit at 9800-06-08 Almira Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Raees Food Store, Inc., 9800-06-08 Almira Avenue, Cleveland, Ohio 44102, Permit Number 7165681; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Raees Food Store, Inc., 9800-06-08 Almira Avenue, Cleveland, Ohio 44102, Permit Number 7165681; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force imme-

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1050-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a C1 Liquor Permit at 5110 Clark Avenue and Drive Up Window (Permit No. 15255190005 owned by Clark Petroleum, LLC).

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 15255190005 owned by Clark Petroleum, LLC, 5110 Clark Avenue & Drive Up Window, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1051-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a C1 Liquor Permit at 5110 Clark Avenue and Drive Up Window (Permit Nos. 9089530 and 90895300005 owned by Tuhin, Inc.).

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit Nos. 9089530 and 90895300005 owned by Tuhin, Inc., 5110 Clark Avenue & Drive Up Window, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1052-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 3571080 owned by Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1053-13.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 5351-5355 Dolloff Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 9862110 owned by Your Place & Mine, LLC, DBA Your Place & Mine, 5351-5355 Dolflo Road, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1054-13.

By Council Member Miller.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 17801 Euclid Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 2566678 owned by Euclid 178, Inc., DBA Lotus Mini Mart, 17801 Euclid Avenue, 1st floor only, Cleveland, Ohio 44112, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1055-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 4719 Franklin Boulevard, 1st floor front.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other

legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 2848948 owned by 4700 Bridge Ltd., DBA Franklin Beverage & Deli, 4719 Franklin Boulevard, 1st floor front, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1056-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a C1 Liquor Permit at 5105 Franklin Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor per-

mits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 2714703 owned by 5105 Franklin Avenue, Inc., 5105 Franklin Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1057-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 9306 Hough Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 2211993 owned by George F.

Dixon, DBA Dixon's Grocery, 9306 Hough Avenue, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1058-13.

By Council Member Conwell.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 951 Linn Drive, 1st floor.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 5542863 owned by Mario Family, Inc., DBA Scott Food Mart, 951 Linn Drive, 1st floor, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1059-13.

By Council Member Brady.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 11619 Lorain Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 1869990 owned by Cyber Weekend, Ltd., DBA Grzejkas Place, 1st floor and basement, 11619 Lorain Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County,

and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1060-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a D2, D2X, D3 and D6 Liquor Permit at 6201 St. Clair Avenue, 1st floor.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D6 Liquor Permit, Permit No. 2275179 owned by Dot & Beans Tavern, Inc., 6201 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1061-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 6702 St. Clair Avenue, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 8988551 owned by Topcat, LLC, DBA Topcats Pub & Grill, 6702 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1062-13.

By Council Member Kelley.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4380 State Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from State Road Food & Beverage, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8517121 to Shree Ganeshai Nama, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8112818; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from State Road Food & Beverage, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8517121 to Shree Ganeshai Nama, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8112818; and requests the Director of Liquor Control to set a hearing for said applica-

tion in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1063-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 6820-24 Superior Avenue, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No.41750850005 owned by J D L, Inc., 6820-24 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the

meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1064-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 7017-19 Superior Avenue, 1st floor only.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 1173725 owned by C & S Entertainment, LLC, DBA Club Bottoms Up, 7017-19, Superior Avenue, 1st floor only, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1065-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 8023 Superior Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 2455588 owned by 8023 Food Corp., DBA In & Out Food Deal, 8023 Superior Avenue, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1066-13.

By Council Member Mitchell.

An emergency resolution objecting to a New C1 Liquor Permit at 3489 East 93rd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Union 93rd Beverage, LLC, 3489 East 93rd Street, Cleveland, Ohio 44104, Permit Number 9152254; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Union 93rd Beverage, LLC, 3489 East 93rd Street, Cleveland, Ohio 44104, Permit Number 9152254; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1067-13.

By Council Member Miller.

An emergency resolution objecting to the transfer of Liquor License of a D1 and D2 Liquor Permit to 12307 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D1 and D2 Liquor Permit from Pasqualina DiBello, DBA DiBello Tavern, 6601 Herman Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 2127555 to Food Xpress and Gas, Inc., DBA Gas USA, 12307 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 2805847; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of Liquor License of a D1 and D2 Liquor Permit from Pasqualina DiBello, DBA DiBello Tavern, 6601 Herman Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 2127555 to Food Xpress and Gas, Inc., DBA Gas USA, 12307 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 2805847; and requests the Director of Liquor Control to set a hearing for said application in accor-

dance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1091-13.

By Council Member J. Johnson.

An emergency resolution supporting the application of The Chesler Group, Inc. to the Ohio Development Services Agency for Ohio Historic Preservation Tax Credits for the restoration of the Stager-Beckwith Mansion located at 3813 Euclid Avenue.

Whereas, each year the State of Ohio through the Ohio Development Services Agency allocates Ohio Historic Preservation Tax Credits to encourage private investment in historically significant buildings throughout Ohio using a competitive proposal process; and

Whereas, the Cleveland City Council has recognized the need to maintain historic buildings in Cleveland's neighborhoods, and desires to have the Stager-Beckwith Mansion, a prominent, historic, architecturally significant landmark, restored by The Chesler Group, Inc. who specializes in historic restoration; and

Whereas, located along Cleveland's historic "Euclid Avenue Millionaire's Row," the Stager-Beckwith Mansion at 3813 Euclid Avenue is one of the few remaining grand Row mansions that are still standing today; and

Whereas, after completion of the originally 10,000 square foot masonry residence in 1868, Euclid Avenue became internationally known for its wealthy residents and unparalleled architecture, and the early yet significant example of Second French Empire and Italianate style mansion, sold in 1913 to Cleveland's prominent University Club that expanded its footprint to 66,000 square feet, became an important focus of Cleveland's social life and greatly contributed to Euclid Avenue's prestigious status and reputation; and

Whereas, in 1978, the Stager-Beckwith Mansion became one of the first buildings in Cleveland to be placed on the National Register of Historic Places, highlighting its importance as a major contributor to the history and character of Cleveland; and

Whereas, the building has been vacant since 2009; and

Whereas, The Chesler Group, Inc. now plans to perform a complete historic restoration of the interior

and exterior of the Stager-Beckwith Mansion in compliance with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings to be used for office and conference space; and

Whereas, restoration of this highly significant structure will ensure the Mansion's continued existence as one of the greatest, and last, architectural testaments to this period of Cleveland's history; and

Whereas, the completion of this project will set a strong example of the continued importance of the revitalization of Cleveland's neighborhoods, will positively stimulate the local economy with skilled construction jobs and local investment, and preserve a local landmark that has received support from Cleveland State University and the community at large; and

Whereas, Cleveland City Council supports The Chesler Group, Inc.'s proposal for restoring the Stager-Beckwith Mansion as a high priority initiative for future development in the community for the benefit the citizens of the City of Cleveland; 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 supports the application of The Chesler Group, Inc. to the Ohio Development Services Agency for Ohio Historic Preservation Tax Credits for the restoration of the Stager-Beckwith Mansion located at 3813 Euclid Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Michael Chesler, President, The Chesler Group Inc.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1161-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 7115-19 Lorain Avenue and West 73rd Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disre-

gard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 47172320001 owned by Kloos & Das Co., Inc., DBA Red Pepper Lounge, 7115-19 Lorain Avenue and West 73rd Street, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1162-13.

By Council Member Brady.

An emergency resolution objecting to a New C1 Liquor Permit at 4282 West 130th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Touma LLC, DBA J J S Grab & Go, 4282 West 130th Street, Cleveland, Ohio 44135, Permit Number 9009245; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Touma, LLC, DBA J J S Grab & Go, 4282 West 130th Street, Cleveland, Ohio 44135, Permit Number 9009245; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1163-13.

By Council Member Cummins.

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3194 West 25th Street, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 8917129 owned by 3194 Tavern, LLC, DBA Stumble Inn, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1164-13.

By Council Member Cimperman.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than

thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 2779680 owned by Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue and basement, Cleveland, Ohio 44114, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1165-13.

By Council Member Cummins.

An emergency resolution objecting to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3357-59 Fulton Road, 1st floor.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit, Permit No.1282064 owned by Patricia

M. Carr, DBA Crystal Sports Bar, 3357-59 Fulton Road, 1st floor, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1166-13.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3349 West 117th Street, 1st floor and rear.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Fidelity Sports, Inc., DBA Fidelity Bar, 3349 West 117th Street, 1st floor and rear, Cleveland, Ohio 44111, Permanent Number 2714691 to Chief's Headquarters, Inc., DBA HQ Lounge, 3349 West 117th Street, 1st floor and rear, Cleveland, Ohio 44111, Permanent Number 1428979; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Fidelity Sports, Inc., DBA Fidelity Bar, 3349 West 117th Street, 1st floor and rear, Cleveland, Ohio 44111, Permanent Number 2714691 to Chief's Headquarters, Inc., DBA HQ Lounge, 3349 West 117th Street, 1st floor and rear, Cleveland, Ohio 44111, Permanent Number 1428979; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1169-13.

By Council Member Brady.

An emergency resolution supporting the application of the Friends of the Historic Variety Theatre, Inc. to the Ohio Development Services Agency for State Historic Tax Credits for the Variety Theatre Building located at 11815 Lorain Avenue.

Whereas, each year the State of Ohio through the Ohio Development Services Agency allocates State Historic Tax Credits for historic redevelopment projects throughout Ohio using a competitive proposal process; and

Whereas, the Cleveland City Council recognizes the need to maintain historic buildings in Cleveland's neighborhoods; and

Whereas, the Friends of the Historic Variety Theatre, Inc., propose a substantial rehabilitation and adaptive reuse of the former Variety Theatre Building into ground-floor commercial and retail space, second floor apartments as well as a repurposing of the former theatre space into a smaller entertainment venue; and

Whereas, Cleveland City Council supports the Friends of the Historic Variety Theatre, Inc.'s proposal for the Variety Theatre Building locat-

ed at 11815 Lorain Avenue as a high priority initiative for future development in the community for the benefit the citizens of the City of Cleveland; 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 supports the application of the Friends of the Historic Variety Theatre, Inc. to the Ohio Development Services Agency for State Historic Tax Credits for the Variety Theatre Building located at 11815 Lorain Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit two copies of this resolution to Chad Dasher, Executive Director, of Westown Community Development Corporation.

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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 750-13.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of FAA-approved deicing chemicals, for the various divisions of the Department of Port Control, for a period of one year, with a one-year option to renew, exercisable by the Director of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 832-13.

By Council Member J. Johnson.

An emergency ordinance designating The Shovel Works (also known as the Chisholm Steel Shovel Works) as a Cleveland Landmark.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 833-13.

By Council Member J. Johnson.

An emergency ordinance designating the German Baptist Publication Society Building (1878) as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage rec-

ommended by Committee on City Planning.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 834-13.

By Council Member J. Johnson.

An emergency ordinance designating the German Baptist Publication Society Building (1926) as a Cleveland Landmark.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 835-13.

By Council Member J. Johnson.

An emergency ordinance designating Glenville New Life Community Church (formerly Glenville Presbyterian Church) as a Cleveland Landmark.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

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

Those voting nay: Council Member Miller.

Ord. No. 836-13.

By Council Member J. Johnson.

An emergency ordinance designating the Mary and Matthew Stepp House (Dr. Morris Stepp House; Gorski House) as a Cleveland Landmark.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 842-13.

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

An emergency ordinance to amend Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1246-12, passed October 15, 2012, relating to the use of City credit cards.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 843-13.

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

An emergency ordinance to amend Section 8 of Ordinance No. 360-13, passed March 25, 2013, relating to a lease at 1449 West 117th Street from Montlack Realty, or their designees, for the purpose of providing office space for the Adult Probation Department of the Cleveland Municipal Court.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 846-13.

By Council Members Brancatelli, Kelley and Cummins (by departmental request).

An emergency ordinance to amend Grant Agreement No. CT 8006 SG 2013-057 with the Near West Side Multi-Service Corporation located at 4115 Bridge Avenue executed on March 18, 2013, to provide an additional emergency repair grant for the May Dugan Center located at 4115 Bridge Avenue.

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

1. In Section 1, line 6, after "14 SF 036" insert a period and strike " Request No. 8006, RL 2011-143."

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. 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. 847-13.

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

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Cuyahoga County Corrections Planning Board for the Domestic Intervention, Education & Training (D.I.E.T.) Program.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 848-13.

By Council Members Westbrook, Miller and Kelley (by departmental request).

An emergency ordinance approving the report of the assessment equalization boards on objections concerning estimated assessments to relay and repair sidewalks (including adjustments of castings, if necessary) encroaching upon the public right-of-way on Clifton Boulevard from West 115th Street to Lake Avenue; determining to proceed with the improvements; and adopting the equalized assessments.

Approved by Directors of Capital Projects, Finance, Law; Passage recommended by Committees on Public Service, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 850-13.

By Council Members K. Johnson, Mitchell, Miller and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for rehabilitating Wood-

land Avenue from west of East 89th Street to East 116th Street (Martin Luther King Jr. Drive) in the City of Cleveland; authorizing the Director of Capital Projects to enter into any relative agreements; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing one or more contracts with consultants, and agreements with public and private entities; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance, when amended, as follows:

1. In Section 17, at the end, strike the period and insert " , RQS 0103, RL 2013-120."

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. 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. 851-13.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Ohio City Development Partners, LLC to encroach into the public right-of-way of Detroit Avenue by installing, using, and maintaining 8 front overhanging balconies and sunshades.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 852-13.

By Council Members Cleveland, Miller and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Slavic Village Development to encroach into the public right-of-way of Broadway Avenue between East 49th Street and Mead Avenue S.E. by installing, using, and maintaining the Broadway Arch Public Art Project.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 854-13.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2011-267 with Rand Worldwide Subsidiary Inc., dba Imaginit Technologies to provide technical support relating to AutoCad software for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 855-13.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2011-268 with the Society for Human Resource Management to provide professional technical and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport, Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 856-13.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew various contracts entered into under the authority of Ordinance No. 190-07, passed March 12, 2007, to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials and installation, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 857-13.

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

An emergency ordinance authorizing the Director of Community Development to lease certain property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, to Fast Track Cycling, Inc. for the purpose of constructing, developing and operating a cycling facility, for a term not to exceed four years; and authorizing the Commissioner of Purchases and Supplies to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. in connection with the sale of the property.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 858-13.

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

An emergency ordinance to vacate a portion of Franklin Avenue, N.W.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 859-13.

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

An emergency ordinance to vacate a portion of Brookpark Road and a portion of Relocated Grayton Road.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 860-13.

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

An emergency ordinance to vacate a portion of Rocky River Dr., S.W.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 861-13.

By Council Members Miller, Cleveland, Kelley and Cummins (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing improvements to the hillside on and adjoining the Impound Lot at 4300 Bradley Road; authorizing the Director of Capital Projects to enter into one or more contracts for the making of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance, when amended, as follows:

1. In Section 1, lines 3 and 4, strike "Bradley Road (the "Improvement")" and insert "**Bradley Road; and evaluating further erosion of the hillside, including the land known as the Bradley Road landfill (the "Improvement")**".

2. Insert new Section 4 to read as follows:

"Section 4. That the Director of Capital Projects is authorized to seek additional funding sources for the Improvement as it relates to the erosion of the hillside".

3. Renumber existing Sections 4 and 5 to new "**Section 5**" and "**Section 6**".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. 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. 862-13.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide grant writing and resource development services, for a period of one year with three one-year options to renew, the second of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 863-13.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of landscape materials, supplies, and services, including labor and materials needed to maintain, test, install, replace, improve, restore, and refurbish landscaping and tree lawns located at City-owned or leased Public Utility facilities and other City right-of-ways, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period up to two years, with two one-year options to renew, the first of which requires additional legislative authority.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 975-13.

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

An emergency ordinance authorizing an amendment to the Project Agreement with Orlean WT II, LLC relating to the renovation of the former West Technical High School field property located at 2201 West 93rd Street into residential housing and to allow the sale of land for parking.

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

1. In Section 1, line 10, after "time-lines;" insert "**so long as such a plan requires that the proceeds of the sale of the land referred to above as Part A shall be applied toward debt encumbering the land referred to above as Part B**".

2. Strike Section 2 in its entirety.

3. Renumber existing sections 3, 4 and 5 as new "**Section 2**", "**Section 3**", and "**Section 4**".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. 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.

**SECOND READING
ORDINANCES PASSED**

Ord. No. 212-12.

By Council Member Miller.

An ordinance changing the Use and Height Districts of land on the southwest side of Ivanhoe Road near Mandalay Avenue to a Semi-Industry Use District and a '3' Height District (Map Change Number 2383, Sheet 7).

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 837-13.

By Council Member Cimperman.

An ordinance to change the Use District of lands at the northwest corner of Willey Avenue and W. 17th Street from General Industry to Semi-Industry (map change no. 2442).

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**SECOND READING EMERGENCY
RESOLUTIONS ADOPTED**

Res. No. 838-13.

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

An emergency resolution declaring the intent to vacate a portion of Jefferson Avenue S.W.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 839-13.

By Council Members Zone, Miller, Cleveland and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Bachman Court S.W.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 840-13.

By Council Members Cleveland, Miller and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Grand Avenue S.E.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 841-13.

By Council Members Cummins, Miller, Cleveland and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of the 1st Un-Named Alley north of Denison Avenue S.W. and west of West 48th Street.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 978-13.

By Council Members Cimperman and Cummins.

An emergency resolution endorsing the continued existence of a Healthy Cleveland through the second initiative of collaboration with the Mayor and the four hospital systems in Cleveland that are lending their staff, expertise, and research efforts to reach this goal.

Approved by Directors of Public Health, Finance, Law; Adoption recommended by Committees on Health and Human Services, Finance, when amended, as follows:

1. In the fourth whereas clause, line 4, strike "February 28, 2001" and insert "**March 28, 2011**".

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

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

MOTION

The Council Meeting adjourned at 3:56 p.m. to meet at the call of the Chair. The next regular Council Meeting is scheduled for Monday, September 16, 2013, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

August 14, 2013

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, August 14, 2013 at 10:45 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Others: Jomarie Wasik, Director, Mayor's Office of Capital Projects, L. Peculis, Acting Director, Office of Equal Opportunity.

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

Resolution No. 467-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Energy Mechanical Corp., Inc. under Contract No. RC2012*49 for labor and materials to provide maintenance, repair, enhancement and/or replacement of heating, ventilation and air conditioning systems, including rental, for a period of two years, for the various divisions of the Department of Public Utilities, is approved:

<u>Subcontractors</u>	<u>Work Percentage</u>
Direct Air Systems, Inc.	\$10,000.00 1.182 %

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Resolution No. 468-13.

By Director Wasik.

Whereas, under the authority of Ordinance No. 1508-11, passed by the Council of the City of Cleveland on December 5, 2011, and Resolution No. 123-12, adopted by this Board of Control on March 21, 2012, the City through its Director of the Capital Projects entered into Contract No. CT 4004 PS2012*176 with RW Armstrong & Associates, Inc. for the professional engineering services necessary for the Larchmere Streetscape Rehabilitation (Martin Luther King Blvd. to North Moreland Blvd.); and

Whereas, by its letter dated July 23, 2013, CHA Consulting Inc. notified the City that RW Armstrong & Associates, Inc. has merged with CHA Consulting Inc. and requested the City's consent to assignment of City Contract No. CT 4004 PS2012*176, effective June 14, 2012; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges the merger of RW Armstrong & Associates, Inc. into CHA Consulting Inc. effective June 14, 2012, and authorizes the Director of Capital Projects to consent on behalf of the City, to assignment of City Contract No. CT 4004 PS2012*176 with RW Armstrong & Associates, Inc. for professional engineering services necessary for the Larchmere Streetscape Rehabilitation (Martin Luther King Jr. Blvd. to North Moreland Blvd.) to CHA Consulting Inc.

Be it further resolved that the Director of Capital Projects is authorized to complete and execute all

documents and perform all acts necessary to effect the consent to the assignment of City Contract No. CT 4004 PS2012*176.

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Resolution No. 469-13.

By Director Wasik.

Whereas, Resolution No. 399-13, adopted by this Board on July 17, 2013, authorized the Director of the Mayor's Office of Capital Projects to enter into a contract with Perk Company, Inc. as the lowest responsible bidder for the Public Improvement of U.S. 322 (Chester Avenue and E. 13th Street) between U.S. 6 and East 93rd Street, in the aggregate amount of \$5,187,874.80 and approved various subcontractors; and

Whereas, Perk Company, Inc. has proposed to employ an additional subcontractor for the project; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 399-13, adopted July 17, 2013, is amended by adding the following to the list of subcontractors approved for employment by Perk Company, Inc.

<u>SUBCONTRACTOR</u>	<u>AMOUNT PERCENTAGE</u>
Burton Scot Contractors	\$2,986,012.35 57.56 %

Be it further resolved that all other provisions of Resolution No. 399-13 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Resolution No. 470-13.

By Director Cox.

Whereas, the City of Cleveland through its Director of Public Works entered into City Contract No. CT 7012-PS2010-356 in the amount of \$33,550.00 on December 8, 2010 with the Osborn Engineering Company for the professional architectural and engineering services necessary to design and implement improvements to structures in Erie Street and Monroe Street Cemeteries; and

Whereas, the City desires to modify City Contract No. CT 7012-PS2010-356 to obtain additional professional services necessary for construction document preparation and construction administration; and

Whereas, the Osborn Engineering Company has proposed by its June 18, 2013 letter to perform the above-mentioned additional services for a fee not to exceed \$52,600.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 537-12 passed by the Council of the City of Cleveland May 14, 2012, the

Director of Public Works is authorized to enter into a first modification to Contract No. CT 7012-PS2010-356 with the Osborn Engineering Company to obtain the above-mentioned additional architectural and engineering services necessary for the Erie Street and Monroe Street Cemetery Structure Improvements for an additional fee not to exceed \$52,600.00, thereby increasing the total compensation under the contract to \$86,150.00.

Be it further resolved that the employment of the following sub-consultants for the services to be performed under the above-authorized first modification is approved:

<u>SUBCONSULTANT</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
McGuiness Unlimited, Inc. (CSB/FBE)	\$ 4,750.00 5.514%
mbi k2m Architecture, Inc. (other)	\$15,400.00

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Resolution No. 471-13.

By Director Rush.

Whereas, Board of Control Resolution No. 76-13, adopted February 20, 2013, authorized the sale and development of Permanent Parcel No. 125-01-082 to Sonya Hughes for yard expansion, as part of the City Land Reutilization Program established under Ordinance No. 2076-76, passed by the Cleveland City Council on October 25, 1976; and

Whereas, in the seventh paragraph, Resolution No. 76-13 incorrectly identified the sale price as being \$400.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 76-13, adopted by this Board February 20, 2013, authorizing the sale and development of Permanent Parcel No. 125-01-082 to Sonya Hughes for yard expansion, is amended by substituting \$200.00 as the sale price for \$400.00, where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 76-13 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Resolution No. 472-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel

No. 137-25-008 located on 13706 Coath Avenue in Ward 2; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Tawanda Demmings has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Tawanda Demmings for the sale and development of Permanent Parcel No. 137-25-008 located on 13706 Coath Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$1.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Resolution No. 473-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 137-03-056 located at 12805 Benham Avenue in Ward 4; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Jacqueline Fort has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 has approved the proposed sale or has not disapproved or

requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Jacqueline Fort for the sale and development of Permanent Parcel No. 137-03-056 located at 12805 Benham Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$1.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Resolution No. 474-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 104-14-052 located at 5821 Superior Avenue in Ward 7; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Robert Lanier has proposed to the City to purchase and develop the parcel for parking lot; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Robert Lanier for the sale and development of Permanent Parcel No. 104-14-052 located at

5821 Superior Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$3,000.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

Resolution No. 475-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 118-27-061 located at 2169 East 78th Street in Ward 5; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Shelton Tufts has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Shelton Tufts for the sale and development of Permanent Parcel No. 118-27-061 located at 2169 East 78th Street, Cleveland, Ohio 44103, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Directors Langhenry, Acting Director Johnson, Directors Smith, Cox, Acting Directors Gehlmann, Cosgrove, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Southerington.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

TUESDAY, SEPTEMBER 3, 2013

9:30 A.M.

Calendar No. 13-159: 1293 West 9th Street (Ward 3)

Valentina Lucic dba Tomo Hibachi Restaurant and Lounge appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a disapproved application on July 1, 2013 by the Director of the Office of Capital Projects for a temporary occupancy permit, as required under Cleveland Codified Ordinance 513.09 and regarding the property located at 1293 West 9th Street.

Calendar No. 13-160: 1616 West 25th Street (Ward 3)

Ojala Properties, LLC and Maria Keckan appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the plan approval and Permit B13023272 issued to Clear Channel Outdoor by the City of Cleveland Department of Building and Housing for repair of a billboard located at 1616 West 25th Street.

Calendar No. 13-161: 10019 Cliff Drive (Ward 16)

William Gallagher, owner, appeals to change the roof height on an existing residential masonry garage, located on a 108.11' x

203.45' parcel in an AA1 Limited One-Family District; proposing a 17'4" mean height contrary to Section 353.05 in the Cleveland Codified Ordinances that limits to a maximum height of 15' accessory buildings in a residence district.

Calendar No. 13-162: 5466 Broadway Avenue (Ward 5)

Milan Radjenovic, owner, and Regina Witherspoon, prospective tenant, appeal to establish use as an assembly hall for parties and events an existing one-story building on a 28' x 150' parcel in a C2 Local Retail Business District; subject to the restrictions under Section 343.01 the use is not permitted and first permitted in a General Retail Business District if it is no closer than 500 feet from a residence district, a church or a school pursuant to Section 347.12(a)(1) and the proposed use is within 500 feet of a residence district to the southwest, a church (Our Lady of Lourdes Parish, 3395 East 53rd Street), and a school (Broadway Hope Academy, 3398 East 55th Street); and in accordance with Section 349.04(e) an accessory, off-street area equal to three times the gross floor area of the building is required.

Calendar No. 13-163: 16625 Euclid Avenue (Ward 10)

SNS Properties LLC, owner, and Belal Odat appeal to establish use as a tire sales and service shop on a 134.92' x 173.80' parcel in a D2 Local Retail Business District; the proposed use contrary to Section 343.01 and is first permitted in a General Retail District in accordance with provisions under Section 343.14:

(a) no motor vehicle service garage shall be located on a parcel within 100 feet of a Residence District unless the following conditions are met:

(1) a solid board-on-board wood fence or brick or stone wall at least 6 feet in height is placed along any property line abutting a Residence District in addition to any otherwise required landscaping;

(2) no motor vehicle repair activity occurs within 10 feet of a Residence District;

(3) no service bay or garage door is oriented toward a Residence District.

(b) No service station shall be located on a "mid-block" property except if located on a street with a right-of-way 80 feet wide ("mid-block" is any property other than a corner property located at the intersection of 2 streets).

(c) No motor vehicle repairs shall be performed before 7:00 a.m. or after 9:00 p.m.

(d) A motor vehicle service station shall include no more than 4 service bays- for corner properties such service bays shall be oriented to a street characterized by commercial or industrial uses as opposed to residential or local retail uses, if 1 or more of the abutting streets can be so characterized. Building and Housing Department may consult with the City Planning Commission in making such determination.

(e) All tires, barrels, discarded auto parts and outdoor storage of materials, used or sold on the

premises must be screened from view from adjacent properties and streets by a "screen barrier" as required under Section 352.10;

(f) No commercial tractor trailer or semi-trailer, except trailers designed to be pulled by passenger automobiles may be parked on the premises for more than 4 hours within any 24 hour period, except in case of emergency. Not more than 4 customer vehicles may be stored overnight in an outdoor location and a vehicle that is not in working order shall not be stored on such premises for more than 48 hours.

Calendar No. 13-164: 3000 Bridge Avenue (Ward 3)

WSCH LLC, owner, and Damon Taseff appeal to change use from office and educational to a store and 21 apartment units a four-story vacant structure located in a B1 Two-Family District; subject to the limitations under Section 337.03 the use for apartments is not permitted and first permitted in a Multi-Family District and a commercial use is first permitted in a Local Retail Business District according to Section 343.01; and contrary to Section 349.04 a proposed 15 parking spaces are provided contrary to 23 off-street parking spaces required; and a gross floor area of 25,926 square feet is proposed contrary to Section 355.04 and a maximum lot coverage of 6,264 square feet that is allowed.

Violation Notice

Calendar No. 13-165: 13021 West Avenue ((Ward 18)

AAA Asset Management LLC and Ahmad Assad appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered by the City of Cleveland Parking Violations Bureau Waste Collection and Photo Safety Division on August 7, 2013 and the violation information described on Civil Infraction Ticket Number WC00069856, issued June 4, 2013 for the property located at 13021 West Avenue and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 19, 2013

At the meeting of the Board of Zoning Appeals on Monday, August 19, 2013, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 13-142: 3483 West Boulevard

Emerald Development and Economic Network, Incorporated, owner, and Cleveland Play House, prospective purchaser, appealed to use an existing house for 12 residents participating in a Cleveland Play House apprenticeship program located in an A1 One-Family District; subject to condition.

Calendar No. 13-143: 3300 Clinton Avenue

Jason Bristol and Alex Frondorf appealed to erect a single family residence with attached open walkway and garage in a B1 Two-Family District.

The following appeal was **DENIED:**

Calendar No. 13-93: 1290 Old River Road

Telecom Acquisition Corporation I appealed from a decision of the Commissioner of the Cleveland Division of Assessments and Licenses regarding the regulations established in Section 457.10 of the Cleveland Codified Ordinances.

The following appeal was **WITHDRAWN:**

None.

The following appeal was **DISMISSED:**

Calendar No. 13-137: Violation Notice 4190 Victory Boulevard

Jacqueline Young appealed from a notice of violation issued by the Cleveland Division of Waste Collection under Civil Infraction Ticket Number WC00161398.

The following appeals were **POSTPONED:**

Calendar No. 13-139: 2843 Franklin Boulevard postponed to October 7, 2013.

Calendar No. 13-144: 1089 West 3rd Street postponed to October 7, 2013.

Calendar No. 13-145: 1180 West 9th Street postponed to October 7, 2013.

The following appeals heard by the Board on August 12, 2013 were adopted and approved on August 19, 2013.

The following appeals were **APPROVED:**

Calendar No. 13-54: 1261 West 76th Street

Gillespie Brothers Ltd. appealed for use and Certificate of Occupancy as a bar with entertainment, an outdoor patio and a canopy in a Planned Unit Development District within a G3 Multi-Family District; subject to conditions.

Calendar No. 13-115: 2005 West Schaaf Road

Brooklyn Heights United Church appealed to erect two (2) double-faced LED message center cabinets attached to existing ground signs in a D1 Multi-Family District.

The following appeal was **DENIED:**

Calendar No. 13-138: 17904 South Waterloo Road

Michael Mauer, tenant, appealed from a denied application for a motor vehicle repair garage license by the Commissioner of the Cleveland Division of Assessments and Licenses.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of August 14, 2013

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

* * *

Docket A-81-13.

RE: Appeal of Farley J. Seldon, Owner of the Two Dwelling Units Two-Family Residence Two & One-half One Story Frame Property, located on the premises known as 3036 East 111th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 13, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time, by Emergency Resolution, to require that the debris be removed and the front steps be repaired within two (2) weeks, and to grant the Appellant ninety (90) days in which to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-92-13.

RE: Appeal of William Burns, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 1107 East 146th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated March 13, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal request for additional time, noting the condition of the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-94-13.

RE: Appeal of Lorain Real Estate Corp., Owner of the M Mercantile - Retail Shops, Carry-out Food Shops Semi-Industry Property, located on

the premises known as 2186 Brookpark Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated March 6, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-94-13 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-108-13.

RE: Appeal of Richard & Debbie Christopher, Owners of the One Dwelling Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 2946 West 14th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated March 18, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant any variance required to allow the substitute shingles to be acceptable, provided that it is weather protected, and to find that the project and the violations are abated pending a report from the inspector, and to grant the Appellant one (1) month in which to remove the gravel from the driveway; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-112-13.

RE: Appeal of Courtney Gantt, Owner of the Three Dwelling Units Three-Family Residence Two Story Frame Property, located on the premises known as 1900 East 71st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 11, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-113-13.

RE: Appeal of Sam Riolo, Trustee of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 7916 Elton Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & SHED, dated January 28, 2013 of the

Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, based upon the plans discussed and the condition of the property. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-117-13.

RE: Appeal of Taliah Campbell, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 8002 Whitethorn Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 18, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-117-13 has been POSTPONED; to be rescheduled for September 25, 2013.

* * *

Docket A-118-13.

RE: Appeal of Joel K. Barr Sr., Owner of the M Mercantile - Retail Shops, Carry-out Food Shops One Story Masonry Walls/Wood Property, located on the premises known as 3204 West 41st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 11, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to abate the violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by M. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-119-13.

RE: Appeal of 72 East LLC C/O Christopher Grootenboer, Owner of the Property, located on the premises known as 899 East 72nd Street from an ORDER TO VACATE, dated April 4, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to remove the combustibles from the building and two (2) months in which to submit a plan to the City

for reconstruction of the property, noting that failure to meet either deadline will result in the property being REMANDED immediately, and that no habilitation of the property is permitted; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-123-13.

RE: Appeal of Hazel Williams, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 1826 Reayburn Road from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated April 13, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain all required permits and six (6) months in which to complete abatement of the violations, with additional time awarded for satisfactory progress; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-124-13.

RE: Appeal of Sabrina Wright, Owner of the Residential Property, located on the premises known as 7506 Spafford Road from a LIMITATION ON THE PERMITS, dated November 5, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to remove the debris on the exterior of the property, and three (3) months in which to complete abatement of the exterior violations, and six (6) months total in which to complete abatement of all the violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-129-13.

RE: Appeal of Robert Tunold, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 12831 Carrington Avenue from a

NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated March 20, 1013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-129-13 has been POSTPONED; to be rescheduled for September 11, 2013.

* * *

Docket A-131-13.

RE: Appeal of Biland Corp., Trustee of the Residential Property, located on the 1827 Grantham Road from a LIMITATION ON THE PERMIT, dated August 31, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-132-13.

RE: Appeal of Albert Thrower, Owner of the Residential Property, located on the premises known as 9620 Cudell Avenue from a LIMITATION ON THE PERMITS, dated December 14, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-132-13 has been POSTPONED; to be rescheduled for August 28, 2013.

* * *

Docket A-133-13.

RE: Appeal of Optima Management Group, LLC, Owner of the S-1 Storage - Moderate Hazard (Combustibles) Semi-Industry Garage Property, located on the premises known as 55 Public Square from a NOTICE OF VIOLATION — INTERIOR /EXTERIOR MAINTENANCE, dated April 9, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled in four (4) weeks (September 11, 2013).

* * *

Docket A-134-13.

RE: Appeal of Shoreline Capital Partners, LLC, Owner of the Property, located on the premises known as 4740 Manufacturing Road from a NOTICE OF VIOLATION — FIRE CODE, dated February 05, 2013 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Yeast: Messrs. Denk, Gallagher, Saab, Bradley, Maschke Nays: None

BE IT RESOLVED, a motion is in order at this time to DENY as moot this appeal and to REMAND the property to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-188-13.

RE: Appeal of Sam Riolo, Agent of the Two Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 1066-68 East 71st Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated July 9, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to abate the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

EXTENSION OF TIME:

Docket A-231-12.

Tyree J. Penman - 10206 Manor Avenue:

A motion is in order at this time to grant the Appellant two (2) months in which to complete the exterior violations and a concurrent six (6) months in which to complete abatement of all violations on the property, noting that failure to meet either date, will REMAND the property immediately; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

AMENDED RESOLUTION FROM JULY 31, 2013:

Docket A-106-13.

George F. Dixon - 9306 Hough Avenue:

A motion is in order at this time to grant the Appellant three (3) months in which to submit an acceptable plan to the Building Department for abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-93-13 — Phyllis Sperling
A-99-13 — Ronald Lee Ester
A-100-13 — Mary Bell & Mozella Thomas
A-106-13 — George F. Dixon (AMENDED)
A-109-13 — Aeon Financial LLC
A-110-13 — Aeon Financial LLC
A-111-13 — Aeon Financial LLC
A-126-13 — Aeon Financial LLC
A-127-13 — Aeon Financial LLC
A-128-13 — Aeon Financial LLC
A-181-13 — Michael Rabkewych
A-183-13 — Christian Ostenson
A-196-13 — Kenneth Kolberg

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

* * *

APPROVAL OF MINUTES:

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

July 31, 2013

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

* * *

JOSEPH F. DENK Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, SEPTEMBER 6, 2013

File No. 147-13 — Highland Park Clubhouse Roof Improvement, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 533-12, passed by the Council of the City of Cleveland, June 4, 2012.

*THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, AUGUST 22, 2013 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 517A, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

SITE VISIT SCHEDULED FOR 1:00 P.M. ON THURSDAY, AUGUST 22, 2013.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who

fail to register to be on the City of Cleveland Plan Holders List.

August 14, 2013 and August 21, 2013

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 838-13.

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

An emergency resolution declaring the intent to vacate a portion of Jefferson Avenue S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Jefferson Avenue S.W., as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Jefferson Avenue S.W.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of original Brooklyn Township Lot number 87 and original 100 Acre Lots numbers 268 and 269.

Being all that portion of Jefferson Avenue S.W. (60.00 feet wide) extending from the east right of way of West 3rd Street (70.00 feet wide) easterly to the west right of way of Rockefeller Avenue (66.00 feet wide)

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 839-13.

By Council Members Zone, Miller, Cleveland and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Bachman Court S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Bachman Court S.W., as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Bachman Court S.W.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original Brooklyn

Township Lot Number 53, further described as follows:

Beginning at a point in the westerly line of West 36th Street (25.00 feet wide) formerly Bailey Court, 86.25 feet south of the southerly line of Bailey Avenue S.W. (50.00 feet wide) formerly Bailey Street;

Thence westerly parallel with the southerly line of said Bailey Avenue S.W., 163 feet to the easterly line of Averell and Bradford Subdivision recorded in Volume 4, Page 9 of Cuyahoga County map records;

Thence south 16.25 feet along said easterly line of Averell and Bradford Subdivision;

Thence easterly parallel to the said southerly line of Bailey Avenue S.W. 90 feet;

Thence northerly 7.25 feet;

Thence easterly parallel with southerly line of said Bailey Avenue S.W. and distant 9 feet southerly from first described course, 73 feet to the westerly line of said West 36th Street;

Thence northerly along the westerly line of said West 36th Street 9 feet to the place of beginning.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 840-13.

By Council Members Cleveland, Miller and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Grand Avenue S.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Grand Avenue S.E., as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Being all that portion of Grand Avenue S.E. (50.00 feet wide) extending from the east right of way of East 75th Street (60.00 feet wide) to the west right of way of East 79th Street (60.00 feet wide).

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 841-13.
By Council Members Cummins, Miller, Cleveland and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of the 1st Un-Named Alley north of Denison Avenue S.W. and west of West 48th Street.

Whereas, this Council is satisfied that there is good cause to vacate a portion of the 1st Un-Named Alley north of Denison Avenue S.W. and west of West 48th Street, as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original Brooklyn Township Lot No. 46 as shown in the George P. Geib's Allotment, recorded in Volume 30, Page 27 of Cuyahoga County Map Records, furthered described as follows:

Being all that portion of the 1st unnamed alley (10.00 feet wide) north of Denison Avenue S.W. (50.00 feet wide) and west of West 48th Street (50.00 feet wide) extending from the west right of way of said West 48th Street westerly 50.00 feet to its terminus.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

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

Adopted August 14, 2013.

Effective August 16, 2013.

Res. No. 978-13.
By Council Members Cimperman and Cummins.

An emergency resolution endorsing the continued existence of a Healthy Cleveland through the second initiative of collaboration with the Mayor and the four hospital systems in Cleveland that are lending their staff, expertise, and research efforts to reach this goal.

Whereas, the City of Cleveland and Cleveland City Council are committed to creating a Healthy Cleveland with healthy neighborhoods and residents who enjoy longer and healthier lives and by combating chronic health conditions like chronic pulmonary disease, heart disease, diabetes, obesity and behavioral health; and

Whereas, Cleveland is home to the four best health care systems in the United States; Cleveland Clinic, MetroHealth, Sisters of Charity Health System, and University Hospitals, and all four institutions support the mission of creating a Healthy Cleveland; and

Whereas, Cleveland is also home to Federally Qualified Health Centers (FQHC): NEON, Care Alliance, Free

Clinic, and Neighborhood Family Practice (NFP); and

Whereas, to be successful in creating a Healthy Cleveland, the Jackson Administration, Cleveland City Council and the four health care institutions collaborated beginning in 2011 with the creation of the Healthy Cleveland initiative with the adoption of Resolution No. 257-11 on March 28, 2011 and will continue to collaborate in this ongoing second initiative to address nutrition and healthy eating, active living, mental health and violence, health literacy, healthy neighborhoods, and clean air and smoking cessation; and

Whereas, the City has already banned smoking on and in all City Properties, including parks, playgrounds, cemeteries, garages, and areas within 150 feet of any entrance to any City building or facility, including City Hall, Recreation Centers, and Public Health Centers, and has worked to create voluntarily-adopted smoke free zones within the entrances to privately-owned facilities; and

Whereas, by working collaboratively with local health institutions, we are continuing to increase the accessibility of city-wide smoking cessation programs to help people quit smoking; and

Whereas, in June, an Ohio Judge found unconstitutional the state law which sought to invalidate the City's law banning trans fats, thus allowing the City law to stand; and

Whereas, along with the law banning trans fats, the City has worked to encourage local restaurants and vendors to remove trans-fats from their menus and offer trans-fat free products; and

Whereas, an established task force with our health care partners and the Cleveland Metropolitan School District is working to provide healthier food options in our city schools, and the Healthy Eating Committee is working with CMSD to re-incorporate school gardens in every new school plan; and

Whereas, in collaboration with the Cleveland Planning Commission the Health Committee is working to ensure the existence of a city garden within walking distance of every citizen in Cleveland by 2019 with the support of the City Planning and Health Committees; and

Whereas, the City developed a Complete Streets Policy to improve bike and pedestrian access and improve mobility on street, streetscape, bridge improvement projects; and

Whereas, the Healthy Cleveland Initiative 2.0 has formed subgroups to continue this work, including Nutrition and Healthy Eating, Clean Air and Smoking Cessation, Active Living, Healthy Neighborhoods, Mental Health and Violence, and Health Literacy that have recommended legislative and programmatic initiatives to reduce health disparities and improve Clevelanders' quality of life; and

Whereas, the Nutrition and Healthy Eating subgroup recommends overall 1) developing healthy food guidelines for food services provided by City of Cleveland facilities and encouraging adoption of guidelines by partners throughout Cleveland; and 2) promoting the Healthy Corner Store Initiative which seeks to improve offerings in corner and convenience stores by giving incentives to store owners to develop infrastructure and provide

equipment for healthy options, improve appearance and safety at stores, and offer Healthy Cleveland branding and promotion opportunities; and

Whereas, more specific programmatic recommendations include extending healthy food guidelines to 1) the Cleveland Metropolitan School District by increasing collaboration for wellness policies and healthy school meals and partnerships with the City's Summer Youth Employment Program and Summer Sprout Program, 2) early childcare and childhood education centers by implementing health best practices, and 3) mobile food vendors, as well as corner stores, by offering incentive programs to increase healthy food offerings; and

Whereas, the Clean Air and Smoking Cessation subgroup recommends 1) exploring a city-wide ban on the sale of flavored tobacco products similar to legislation passed in New York City; and 2) encouraging local enforcement of the smoke-free Workplace Act, and researching federal funding opportunities for smoking prevention and cessation programs; and

Whereas, this Council has already adopted a resolution to defend and protect Ohio's Alternative Energy Portfolio Standard, as recommended by the Clean Air and Smoking Cessation subgroup; and

Whereas, the Active Living subgroup recommends 1) identifying active living deserts in the City by creating a comprehensive geographic mapping that highlights parks, recreation centers, bike paths, and active living programs to provide guidance for plans to enhance accessible and affordable active living opportunities in Cleveland; and 2) creating and maintaining a user-friendly website and application focused on Active Living opportunities and programs in the City; and

Whereas, the Healthy Neighborhoods subgroup recommends overall 1) integrating health and equity considerations into planning and development processes; and 2) establishing healthy community design criteria along with a checklist to be used by citywide design review committees within the Department of City Planning, including adoption of community engagement standards; and

Whereas, more specific recommendations include 1) adopting a policy that ensures continued capacity building within City Hall to conduct health impact assessments of policies, projects, and programs; and 2) identifying evaluation metrics used to measure the existing health status of Cleveland neighborhoods and departmental leadership of data collection activities through Cleveland City Planning and Cleveland Department of Health and their partners; and

Whereas, the Mental Health and Violence subgroup recommends 1) increasing the awareness and understanding of mental health and addiction to address societal stigma surrounding the illness; 2) informing the community about agencies and partnering with those agencies who provide treatment services for those diagnosed or displaying signs of mental illness and addiction; and 3) support funding for research and support services for mental health wellness; and

Whereas, finally, the Health Literacy subgroup recommends 1) establishing a brand identity for Healthy Cleveland through the establishment of a website and logo to reach the neighborhoods; 2) connecting the public to a "directory" Clevelanders can access online, through a web application or paper that can link them to health promotion, prevention, and management services; 3) training individuals to engage, support, and link resident to critical health resources and coordinate programming and outreach efforts in the neighborhoods; and 4) circulating resources throughout the community at the neighborhood level by partnering with libraries and community centers, faith based institutions, block clubs, civic associations, and our chamber of commerce; and

Whereas, the City of Cleveland and its Healthy Cleveland partners are already implementing the recommendations of these Healthy Cleveland 2.0 subgroups in order to continue efforts to improve the health of every Clevelander; 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 endorses the continued existence of a Healthy Cleveland through the second initiative of collaboration with the Mayor and the four hospital systems in Cleveland that are lending their staff, expertise, and research efforts to reach this goal.

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 August 14, 2013.
Effective August 16, 2013.

Res. No. 1049-13.

By Council Member Westbrook.

An emergency resolution objecting to a New C1 Liquor Permit at 9800-06-08 Almira Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Raees Food Store, Inc., 9800-06-08 Almira Avenue, Cleveland, Ohio 44102, Permit Number 7165681; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Raees Food Store, Inc., 9800-06-08 Almira Avenue, Cleveland, Ohio 44102, Permit Number 7165681; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1050-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a C1 Liquor Permit at 5110 Clark Avenue and Drive Up Window (Permit No. 15255190005 owned by Clark Petroleum, LLC).

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 15255190005 owned by Clark Petroleum, LLC, 5110 Clark Avenue & Drive Up Window, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1051-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a C1 Liquor Permit at 5110 Clark Avenue and Drive Up Window (Permit Nos. 9089530 and 90895300005 owned by Tuhin, Inc.).

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration

date of the permit; now, therefore,
Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit Nos. 9089530 and 90895300005 owned by Tuhin, Inc., 5110 Clark Avenue & Drive Up Window, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1052-13.
By Council Member Zonc.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 3571080 owned by Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said appli-

cation in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1053-13.
By Council Member Cleveland.
An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 5351-5355 Dolloff Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 9862110 owned by Your Place & Mine, LLC, DBA Your Place & Mine, 5351-5355 Dolloff Road, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County,

and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1054-13.
By Council Member Miller.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 17801 Euclid Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 2566678 owned by Euclid 178, Inc., DBA Lotus Mini Mart, 17801 Euclid Avenue, 1st floor only, Cleveland, Ohio 44112, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

Adopted August 14, 2013.
Effective August 16, 2013.

**Res. No. 1055-13.
By Council Member Zone.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 4719 Franklin Boulevard, 1st floor front.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 2848948 owned by 4700 Bridge Ltd., DBA Franklin Beverage & Deli, 4719 Franklin Boulevard, 1st floor front, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

**Res. No. 1056-13.
By Council Member Zone.
An emergency resolution objecting to the renewal of a C1 Liquor Permit at 5105 Franklin Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 2714703 owned by 5105 Franklin Avenue, Inc., 5105 Franklin Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

**Res. No. 1057-13.
By Council Member Dow.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 9306 Hough Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renew-

al of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 2211993 owned by George F. Dixon, DBA Dixon's Grocery, 9306 Hough Avenue, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

**Res. No. 1058-13.
By Council Member Conwell.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 951 Linn Drive, 1st floor.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and

that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 5542863 owned by Mario Family, Inc., DBA Scott Food Mart, 951 Linn Drive, 1st floor, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1059-13.

By Council Member Brady.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 11619 Lorain Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than

thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 1869990 owned by Cyber Weekend, Ltd., DBA Grzejkas Place, 1st floor and basement, 11619 Lorain Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1060-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a D2, D2X, D3 and D6 Liquor Permit at 6201 St. Clair Avenue, 1st floor.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D6 Liquor Permit, Permit No. 2275179 owned by Dot & Beanies Tavern, Inc., 6201 St. Clair Avenue, 1st floor, Cleveland, Ohio

44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1061-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 6702 St. Clair Avenue, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 8988551 owned by Topcat, LLC, DBA Topcats Pub & Grill, 6702 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a let-

ter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1062-13.
By Council Member Kelley.
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4380 State Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from State Road Food & Beverage, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8517121 to Shree Ganeshai Nama, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8112818; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from State Road Food & Beverage, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8517121 to Shree Ganeshai Nama, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8112818; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1063-13.
By Council Member Dow.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 6820-24 Superior Avenue, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 41750850005 owned by J D L, Inc., 6820-24 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to trans-

mit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1064-13.
By Council Member Dow.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 7017-19 Superior Avenue, 1st floor only.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 1173725 owned by C & S Entertainment, LLC, DBA Club Bottoms Up, 7017-19, Superior Avenue, 1st floor only, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the

meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1065-13.

By Council Member Dow.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 8023 Superior Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 2455588 owned by 8023 Food Corp., DBA In & Out Food Deal, 8023 Superior Avenue, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1066-13.

By Council Member Mitchell.

An emergency resolution objecting to a New C1 Liquor Permit at 3489 East 93rd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Union 93rd Beverage, LLC, 3489 East 93rd Street, Cleveland, Ohio 44104, Permit Number 9152254; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Union 93rd Beverage, LLC, 3489 East 93rd Street, Cleveland, Ohio 44104, Permit Number 9152254; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force imme-

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1067-13.

By Council Member Miller.

An emergency resolution objecting to the transfer of Liquor License of a D1 and D2 Liquor Permit to 12307 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D1 and D2 Liquor Permit from Pasqualina DiBello, DBA DiBello Tavern, 6601 Herman Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 2127555 to Food Xpress and Gas, Inc., DBA Gas USA, 12307 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 2805847; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of Liquor License of a D1 and D2 Liquor Permit from Pasqualina DiBello, DBA DiBello Tavern, 6601 Herman Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 2127555 to Food Xpress and Gas, Inc., DBA Gas USA, 12307 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 2805847; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1091-13.

By Council Member J. Johnson.

An emergency resolution supporting the application of The Chesler Group, Inc. to the Ohio Development Services Agency for Ohio Historic Preservation Tax Credits for the restoration of the Stager-Beckwith Mansion located at 3813 Euclid Avenue.

Whereas, each year the State of Ohio through the Ohio Development Services Agency allocates Ohio Historic Preservation Tax Credits to encourage private investment in historically significant buildings throughout Ohio using a competitive proposal process; and

Whereas, the Cleveland City Council has recognized the need to maintain historic buildings in Cleveland's neighborhoods, and desires to have the Stager-Beckwith Mansion, a prominent, historic, architecturally significant landmark, restored by The Chesler Group, Inc. who specializes in historic restoration; and

Whereas, located along Cleveland's historic "Euclid Avenue Millionaire's Row," the Stager-Beckwith Mansion at 3813 Euclid Avenue is one of the few remaining grand Row mansions that are still standing today; and

Whereas, after completion of the originally 10,000 square foot masonry residence in 1868, Euclid Avenue became internationally known for its wealthy residents and unparalleled architecture, and the early yet significant example of Second French Empire and Italianate style mansion, sold in 1913 to Cleveland's prominent University Club that expanded its footprint to 66,000 square feet, became an important focus of Cleveland's social life and greatly contributed to Euclid Avenue's prestigious status and reputation; and

Whereas, in 1978, the Stager-Beckwith Mansion became one of the first buildings in Cleveland to be placed on the National Register of Historic Places, highlighting its importance as a major contributor to the history and character of Cleveland; and

Whereas, the building has been vacant since 2009; and

Whereas, The Chesler Group, Inc. now plans to perform a complete historic restoration of the interior and exterior of the Stager-Beckwith Mansion in compliance with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings to be used for office and conference space; and

Whereas, restoration of this highly significant structure will ensure the Mansion's continued existence as one of the greatest, and last, architectural testaments to this period of Cleveland's history; and

Whereas, the completion of this project will set a strong example of the continued importance of the revitalization of Cleveland's neighborhoods, will positively stimulate the local economy with skilled construction jobs and local investment, and preserve a local landmark that has received support from Cleveland State University and the community at large; and

Whereas, Cleveland City Council supports The Chesler Group, Inc.'s proposal for restoring the Stager-Beckwith Mansion as a high priority initiative for future development in the community for the benefit the citizens of the City of Cleveland; 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 supports the application of The Chesler Group, Inc. to the Ohio Development Services Agency for Ohio Historic Preservation Tax Credits for the restoration of the Stager-Beckwith Mansion located at 3813 Euclid Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Michael Chesler, President, The Chesler Group Inc.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1161-13.

By Council Member Zone.

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 7115-19 Lorain Avenue and West 73rd Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safe-

ty and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 47172320001 owned by Kloos & Das Co., Inc., DBA Red Pepper Lounge, 7115-19 Lorain Avenue and West 73rd Street, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1162-13.

By Council Member Brady.

An emergency resolution objecting to a New C1 Liquor Permit at 4282 West 130th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Touma LLC, DBA J J S Grab & Go, 4282 West 130th Street, Cleveland, Ohio 44135, Permit Number 9009245; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Touma, LLC, DBA J J S Grab & Go, 4282 West 130th Street, Cleveland, Ohio 44135, Permit Number 9009245; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1163-13.
By Council Member Cummins.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3194 West 25th Street, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 8917129 owned by 3194 Tavern, LLC, DBA Stumble Inn, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1164-13.
By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 2779680 owned by Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue and basement, Cleveland, Ohio 44114, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1165-13.
By Council Member Cummins.
An emergency resolution objecting to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3357-59 Fulton Road, 1st floor.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit, Permit No.1282064 owned by Patricia M. Carr, DBA Crystal Sports Bar, 3357-59 Fulton Road, 1st floor, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the

meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1166-13.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3349 West 117th Street, 1st floor and rear.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Fidelity Sports, Inc., DBA Fidelity Bar, 3349 West 117th Street, 1st floor and rear, Cleveland, Ohio 44111, Permanent Number 2714691 to Chief's Headquarters, Inc., DBA HQ Lounge, 3349 West 117th Street, 1st floor and rear, Cleveland, Ohio 44111, Permanent Number 1428979; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Fidelity Sports, Inc., DBA Fidelity Bar, 3349 West 117th Street, 1st floor and rear, Cleveland, Ohio 44111, Permanent Number 2714691 to Chief's Headquarters, Inc., DBA HQ Lounge, 3349 West 117th Street, 1st floor and rear, Cleveland, Ohio 44111, Permanent Number 1428979; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Res. No. 1169-13.

By Council Member Brady.

An emergency resolution supporting the application of the Friends of the Historic Variety Theatre, Inc. to the Ohio Development Services Agency for State Historic Tax Credits for the Variety Theatre Building located at 11815 Lorain Avenue.

Whereas, each year the State of Ohio through the Ohio Development Services Agency allocates State Historic Tax Credits for historic redevelopment projects throughout Ohio using a competitive proposal process; and

Whereas, the Cleveland City Council recognizes the need to maintain historic buildings in Cleveland's neighborhoods; and

Whereas, the Friends of the Historic Variety Theatre, Inc., propose a substantial rehabilitation and adaptive reuse of the former Variety Theatre Building into ground-floor commercial and retail space, second floor apartments as well as a repurposing of the former theatre space into a smaller entertainment venue; and

Whereas, Cleveland City Council supports the Friends of the Historic Variety Theatre, Inc.'s proposal for the Variety Theatre Building located at 11815 Lorain Avenue as a high priority initiative for future development in the community for the benefit the citizens of the City of Cleveland; 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 supports the application of the Friends of the Historic Variety Theatre, Inc. to the Ohio Development Services Agency for State Historic Tax Credits for the Variety Theatre Building located at 11815 Lorain Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit two copies of this resolution to Chad Dasher, Executive Director, of Westown Community Development Corporation.

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

Adopted August 14, 2013.
Effective August 16, 2013.

Ord. No. 212-12.

By Council Member Miller.

An ordinance changing the Use and Height Districts of land on the southwest side of Ivanhoe Road near Mandalay Avenue to a Semi-Industry Use District and a '3' Height District (Map Change Number 2383, Sheet 7).

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

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

Beginning in the centerline of Ivanhoe Road at its intersection with the southwesterly prolongation of the centerline of Mandalay Avenue;

Thence southeasterly along said centerline of Ivanhoe Road to its intersection with the northeasterly prolongation of the northwesterly line of a parcel of land conveyed to Lsr. Realty Co., LTD by deed dated May 31, 1996 and recorded in Auditor's File Number V96051170005, said parcel also being known as Cuyahoga County's Permanent Parcel Number 115-19-001;

Thence southwesterly along said northeasterly prolongation and said northwesterly line to its intersection with the southwesterly line of a parcel of land conveyed to G.Z.T Inc., by deed dated October 4, 1990 and recorded in Auditor's File Number V90060910021, said parcel also being known as Cuyahoga County's Permanent Parcel Number 115-19-002;

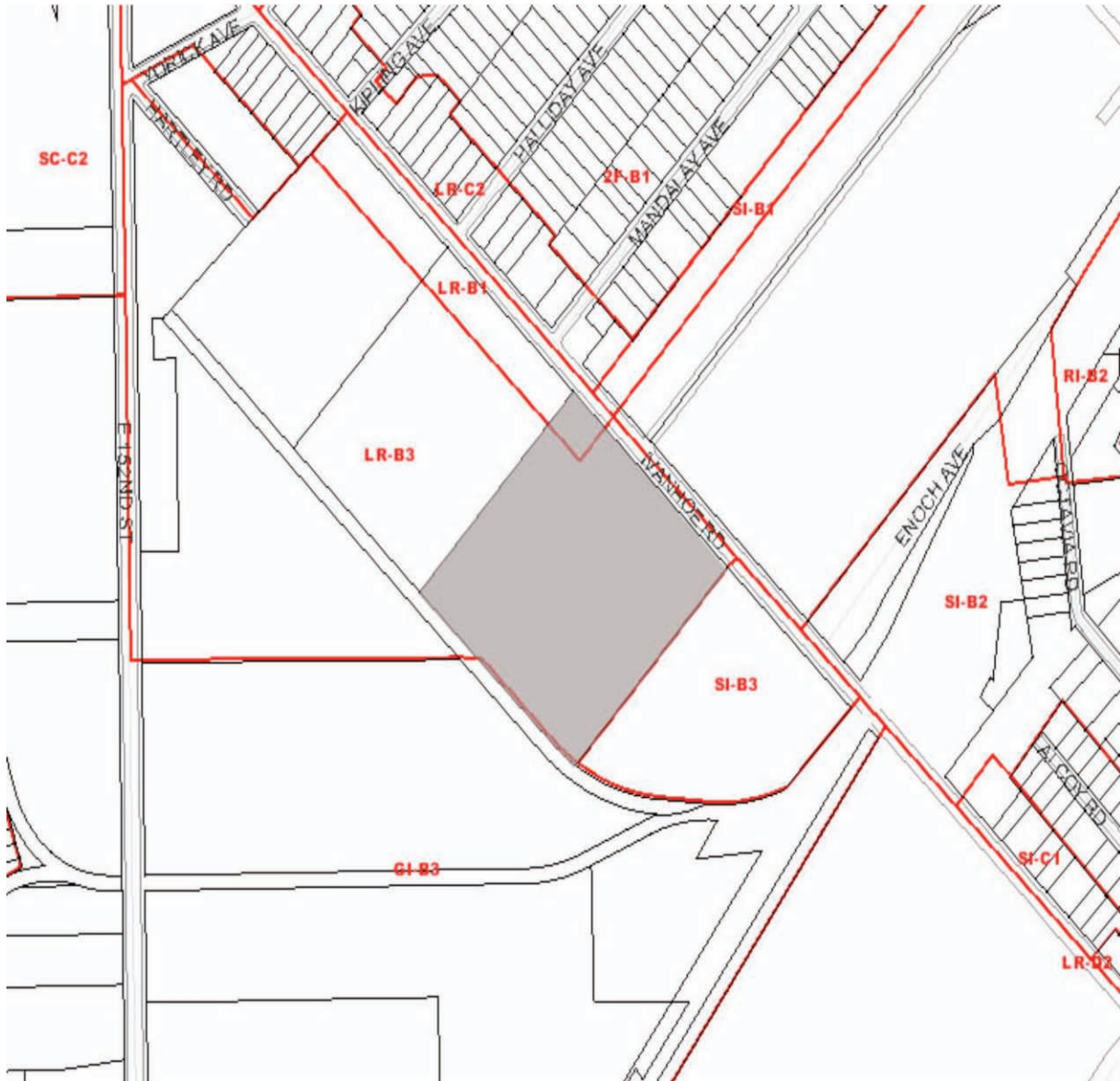
Thence northwesterly along said southwesterly line to its intersection with the northwesterly line thereof;

Thence northeasterly along said northwesterly line and along its northeasterly prolongation to its intersection with the centerline of Ivanhoe Road;

Thence northwesterly along said centerline of Ivanhoe Road to its intersection with the principal place of beginning; and as shaded on the attached map is changed to a Semi-Industry Use District and a '3' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2383, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed August 14, 2013.
Effective September 13, 2013.

Ord. No. 750-13.
By Council Members Keane and Kelley (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of FAA-approved deicing chemicals, for the various divisions of the Department of Port Control, for a period of one year, with a one-year option to renew, exercisable by the Director of Port Control.

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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland,

Ohio, 1976, for the requirements for a period of one year, with a one-year option to renew, exercisable by the Director of Port Control, of the necessary items of FAA-approved deicing chemicals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of 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. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 3001, RL 2013-22)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 832-13.
By Council Member J. Johnson.
An emergency ordinance designating The Shovel Works (also known as the Chisholm Steel Shovel Works) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate The Shovel Works (also known as the Chisholm Steel Shovel Works) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on April 25, 2013 to discuss the proposed designation of The Shovel Works (also known as the Chisholm Steel Shovel Works) as a landmark; and

Whereas, the Commission has recommended designation of The Shovel Works (also known as the Chisholm Steel Shovel Works) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That The Shovel Works (also known as the Chisholm Steel Shovel Works), whose street address in the City of Cleveland is 1570-88 East 40th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 102-30-08, 102-30-010, and 102-30-011 and is also known as the following described property:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Nos. 98, 99, 100, 101, 102, 103, 140, 141, 142, 143 and 144 in James K. Hitchcock's Subdivision of part of Original Ten Acre Lots Nos. 120 and 121 as shown by the recorded plat in Volume 1 of Maps, Page 27 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Southwesterly line of East 40th Street, formerly Case Street, at the Northeasterly corner of said Sublot No. 98; thence Southeasterly along the Southwesterly line of East 40th Street, 240 feet to the Southeasterly corner of Sublot No. 103; thence Southwesterly along the Southeasterly line of said Sublots Nos. 103 and 140, 229 feet 1 inch to the Northeasterly line of Short Street, N. E.; thence Northwesterly along the Northeasterly line of Short Street, N. E., to the Northwesterly corner of said Sublot No. 144; thence Northeasterly along the Northwesterly line of said Sublot No. 144, 151 feet to the Southeasterly line of said Sublot No. 99; thence Northwesterly along the Southwesterly line of said Sublots Nos. 99 and 98, about 49 feet to the Northwesterly corner of said Sublot No. 98; thence Northeasterly along the Northwesterly line of said Sublot No. 98, 132 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways;

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Short Street, N. E., in James K. Hitchcock's Subdivision of part of Original Ten Acre Lots Nos. 120 and 121, as shown by the recorded plat in Volume 1 of Maps, Page 27 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Southerly line of Cooper Avenue, N. E., at the Northwesterly corner of Sublot No. 91 in said Subdivision, which point of beginning is at the intersection of the Southerly line of Cooper Avenue N.E., with the Northeasterly line of Short Street, N. E.; thence Southeasterly along the Southwesterly lines of Sublots Nos. 91, 92, 144, 143, 142, 141 and 140 in said Subdivision, to the Southwesterly corner of said Sublot No. 140; thence Westerly along the extension Westerly of the Southerly line of said Sublot No. 140, 20 feet ten inches to the Northeasterly line of the right of way of the Cleveland and Pittsburgh Railroad; thence Northwesterly along the Northeasterly line of said right of way, to its intersection with the extension Southerly of the Easterly line of East 39th Street (formerly Clifton Street); thence Northerly along said Southerly extension of the Easterly line of East 39th Street,

to its intersection with the extension Westerly of the Southerly line of Cooper Avenue, N. E.; thence Easterly along said Westerly of the Southerly line of Cooper Avenue, N. E., to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM that piece conveyed to Cashel Company by deed dated February 19, 1986 and filed for record in Volume 86-815, Page 65 of Cuyahoga County Records.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 91, 92, 93, 94, 95 and 97 in the J. K. Hitchcock's Allotment of part of Original Ten Acre Lots 120 and 121 as shown by the recorded plat in Volume 1, Page 27 of Cuyahoga County Map Records and bounded and described as follows:

Beginning at an iron pin set on the Westerly line of East 40th Street (99 feet wide) at the Southeasterly corner of Sublot No. 97 said point being South 31 degrees 00 minutes 00 seconds East measured along the Westerly line of East 40th Street, 91.09 feet from its intersection with the Southerly line of Cooper Avenue, N. E. (60 feet wide); thence South 58 degrees 59 minutes 50 seconds West along the Southerly line of Sublot No. 97, 132.03 feet to an iron pin set at the Southwesterly corner thereof; thence South 31 degrees 00 minutes 00 seconds East along the Easterly line of Sublot No. 95, 49.04 feet to an iron pin set at the Southeasterly corner thereof; thence South 58 degrees 59 minutes 50 seconds West along the Southerly line of Sublot Nos. 95, 94, 93, and 92, 150.89 feet to its intersection with the Easterly line of Short Street (20 feet wide) as shown by said plat; thence North 46 degrees 46 minutes 28 seconds West along the Easterly line of Short Street, 63.43 feet to a point; thence North 58 degrees 59 minutes 50 seconds East 300.16 feet to an iron pin set in the Westerly line of East 40th Street; thence South 31 degrees 00 minutes 00 seconds East along the Westerly line of East 40th Street, 12.00 feet to the place of beginning according to a survey by Donald G. Bohning & Associates, Inc., in September, 1984 and updated April, 1985, be the same more or less, but subject to all legal highways.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed August 14, 2013.

Effective August 16, 2013.

**Ord. No. 833-13.
By Council Member J. Johnson.
An emergency ordinance designating the German Baptist Publication Society Building (1878) as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the German Baptist Publication Society Building (1878) as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on April 25, 2013 to discuss the proposed designation of the German Baptist Publication Society Building (1878) as a landmark; and

Whereas, the Commission has recommended designation of the German Baptist Publication Society Building (1878) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That the German Baptist Publication Society Building (1878), whose street address in the City of Cleveland is 3804-12 Payne Avenue, Cuyahoga County Auditor's Permanent Parcel Number 102-39-084 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and

PARCEL NO. 1: Known as being Sublot No. 7 in James M. Hoyt's Subdivision of part of Original Ten Acre Lots Nos. 92 and 95, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 25 of Cuyahoga County Records. Said Sublot No. 7 has a frontage of 66 feet 6 inches on the Southerly side of Payne Avenue, NE (66 feet wide) and extends back 132 feet on the Westerly line, 134 feet 11-1/2 inches on the Easterly line, which is also the Westerly line of East 38th Street (formerly Beaver Street) and has a rear line of 39 feet 2-1/2 inches, as appears by said plat, be the same more or less, but subject to all legal highways, excepting therefrom the land within the bounds of Payne Avenue, as now widened to 80 feet;

PARCEL NO. 2: Known as being part of Sublot No. 6 in James M. Hoyt's Subdivision of part of Original Ten Acre Lots Nos. 92 and 95, as shown by the recorded plat in Volume 3 of Maps, Page 25 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Northerly line of Webster Court, N. E., at the Southeastern corner of said Sublot No. 6; thence Northerly along the Easterly line of said Sublot No. 6, 40 feet; thence Southerly in a direct line to a point on the Northerly line of Webster Court, N. E., distant 1 inch Westerly, measured along said Northerly line, from the Southeastern corner of said Sublot; thence Easterly along said Northerly line of Webster Court, N. E., 1 inch to the place of beginning, as appears by said plat, be the same

more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency 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 August 14, 2013.

Effective August 16, 2013.

**Ord. No. 834-13.
By Council Member J. Johnson.
An emergency ordinance designating the German Baptist Publication Society Building (1926) as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the German Baptist Publication Society Building (1926) as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on April 25, 2013 to discuss the proposed designation of the German Baptist Publication Society Building (1926) as a landmark; and

Whereas, the Commission has recommended designation of the German Baptist Publication Society Building (1926) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That the German Baptist Publication Society Building (1926), whose street address in the City of Cleveland is 3734-3800 Payne Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 102-39-004 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublots Nos. 5 and 6 in James M. Hoyt's Subdivision of part of Original Ten Acre Lots Nos. 92, 93, 94 and 95, as shown by the recorded plat in Volume 3 of Maps, Page 25 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southeastern line of Payne Avenue, N. E., (80 feet wide), at its intersection with the Northeasterly line of said Sublot No.

6; thence Southwesterly along the Southeastern line of Payne Avenue, N. E., 30.10 feet to a point which is 0.10 of a foot Southwesterly from the most Northerly corner of land conveyed to Joseph Abate, by deed dated December 9, 1957, and recorded in Volume 9640, Page 389 of Cuyahoga County Records; thence Southeastern parallel with the Northeasterly line of land so conveyed 36 feet to a point; thence Northeasterly parallel with the Southeastern line of Payne Avenue, N. E., 0.10 of a foot to the Southwesterly line of said Sublot No. 6; thence Southeastern along said Southwesterly line, 89 feet 2 3/8 inches to the Northwesterly line of Webster Court, N. E.; thence Northeasterly along the Northwesterly line of Webster Court N.E., 29 feet 11 inches to the most Southerly corner of the second parcel of land conveyed to Harry A. Barr, by deed dated July 16, 1946, and recorded in Volume 6259, Page 516 of Cuyahoga County Records; thence Northwesterly along the Southwesterly line of the second parcel of land so conveyed to the Northeasterly line of said Sublot No. 6; thence Northwesterly along the Northeasterly line of said Sublot, 85 feet 3 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency 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 August 14, 2013.

Effective August 16, 2013.

**Ord. No. 835-13.
By Council Member J. Johnson.
An emergency ordinance designating Glenville New Life Community Church (formerly Glenville Presbyterian Church) as a Cleveland Landmark.**

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

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on May 9, 2013 to discuss the proposed designation of Glenville New Life Community Church (formerly Glenville Presbyterian Church) as a landmark; and

Whereas, the Commission has recommended designation of Glenville New Life Community Church (formerly Glenville Presbyterian Church) as a landmark and has set forth certain

findings of fact constituting the basis for its decision; and

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

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

Section 1. That Glenville New Life Community Church (formerly Glenville Presbyterian Church), whose street addresses in the City of Cleveland are 711-23 East 105th Street, 10500 Helena Avenue, N. E., and 10501-11 Elgin Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Numbers are 108-25-055, 108-25-056, and 108-25-057 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as all of Sublots 307 thru 312 both inclusive of the Cleveland Realty Company Subdivision of part of original 100 Acre Lots 362 and 370 as shown in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and further described as follows:

Lot 1 of the Consolidation Survey for Glenville New Life Church as shown in volume 324 of Maps, page 62 of Cuyahoga County Records and being 219.23 feet front on the easterly side of East 105th Street (66.00 feet wide), 144.00 feet on the southerly side of Helena Avenue N.E. (50.00 feet wide), 144.00 feet on the northerly side of Elgin Avenue N.E. (50.00 feet wide) and 219.45 feet rear, be the same more or less and subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed August 14, 2013.
Effective August 16, 2013.

Ord. No. 836-13.

By Council Member J. Johnson.

An emergency ordinance designating the Mary and Matthew Stepp House (Dr. Morris Stepp House; Gorski House) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Mary and Matthew Stepp House (Dr. Morris Stepp House; Gorski House) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on April 25, 2013 to discuss the proposed designation of the Mary and Matthew Stepp House (Dr. Morris Stepp House; Gorski House) as a landmark; and

Whereas, the Commission has recommended designation of the Mary and Matthew Stepp House (Dr. Morris Stepp House; Gorski House) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That the Mary and Matthew Stepp House (Dr. Morris Stepp House; Gorski House), whose street address in the City of Cleveland is 1374 East 25th Street, Cuya-

hoga County Auditor's Permanent Parcel Number 102-16-091 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly part of Sublot No. 266 in Perry and Payne's Subdivision of part of Original Ten Acre Lots Nos. 110, 111, 112 and 113 as shown by the recorded plat in Volume 2 of Maps, Page 29 of Cuyahoga County Records and further described as follows: Beginning on the Westerly line of East 25 Street (66 feet wide) at its intersection with the Southerly line of St. Clair Ave. N.E. (99 feet wide) thence Southerly along the Westerly line of East 25 Street a distance of 99.00 feet to the principal place of beginning; Thence continuing along the westerly line of East 25 Street a distance of 41.00 feet to the Northerly line of Packard Court N.E. (12 feet wide). Thence Westerly and along the Northerly line of Packard Court a distance of 33.00 feet to a point. Thence Northerly and parallel with the Westerly line of East 25 Street 41.00 feet to a point. Thence Easterly and parallel with the Northerly line of Packard Court N.E. a distance of 33.00 feet to the Westerly line of East 25 Street and the principal place of beginning.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed August 14, 2013.
Effective August 16, 2013.

Ord. No. 837-13.

By Council Member Cimperman.

An ordinance to change the Use District of lands at the northwest corner of Willey Avenue and W. 17th Street from General Industry to Semi-Industry (map change no. 2442).

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

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

Beginning in the centerline of Willey Avenue at its intersection with the southerly prolongation of the centerline of W. 17th Street;

Thence northerly along said southerly prolongation and said centerline of W. 17th Street to its intersection with the easterly prolongation of the northerly line of Sublot No. 21 in the A. Kellog Subdivision shown on the recorded plat in Volume 3, Page 20 of Cuyahoga County Map Records;

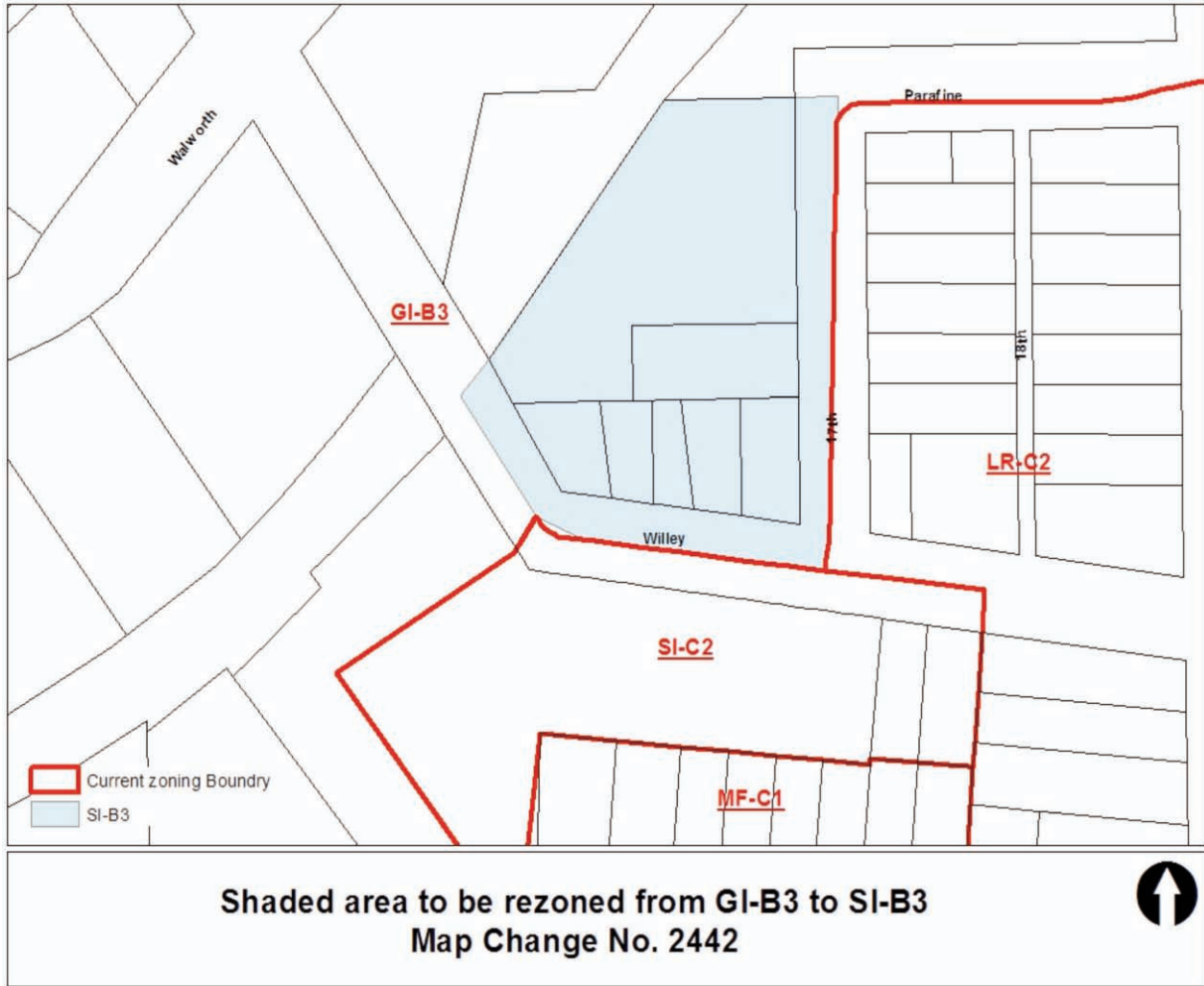
Thence westerly along said easterly prolongation and said northerly line to its intersection with the easterly line of the New York, Chicago and St. Louis Railroad;

Thence southwesterly along said line to its intersection with the centerline of Willey Avenue;

Thence easterly along said centerline of Willey Avenue to its intersection with the southerly prolongation of the centerline of W. 17th Street and the principal place of beginning; and as shaded on the attached map is changed to a Semi-Industry District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2442, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed August 14, 2013.
 Effective September 13, 2013.

**Ord. No. 842-13.
 By Council Members Mitchell and Kelley (by departmental request).**

An emergency ordinance to amend Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1246-12, passed October 15, 2012, relating to the use of City credit cards.

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 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1246-12, passed October 15, 2012, is amended to read as follows:

Section 171.40 Use of City Credit Cards

(a) *Authorization.*

(1) A credit card held by the Clerk of Council may be used to pay the following work-related expenses of the Clerk, member of Council, and Council staff:

- A. Transportation expenses while traveling on City business;
- B. Lodging expenses while traveling on City business;
- C. Food expenses while traveling on City business;
- D. Food expenses as authorized by ordinance of Council; and
- E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats in connection with the performance of official duties.

(2) A credit card held by the Law Department Docket Clerk or any Law Department attorney may be used to pay the following work-related expenses:

- A. Filing fees required by any court, board or tribunal;
- B. Any other cost assessed by a court, board or tribunal other than judgments or settlements.

(3) A credit card held by the Finance Director, or his or her designee, may be used to pay the following work-related expenses:

- A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council; and

E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats and other similar events in connection with City business.

(4) A credit card held by the Commissioner of Purchases and Supplies, or his or her designee, may be used to pay the following work-related expenses: Business licenses, registrations, subscriptions, and other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(5) A credit card held by the Chief Financial Officer of the Department of Public Utilities, or his or her designee, may be used to pay the following work-related expenses: Business licenses, registrations, subscriptions, and other ordinary and necessary expenses of the City in which a credit card is the only

method of payment acceptable to the vendor.

Use of a City credit card for uses other than those listed in division (a) of this section shall be considered an unauthorized use.

Use of a City credit card in a manner inconsistent with any restriction or control placed on the card by the Director of Finance shall be considered an unauthorized use.

(b) No late charges or finance charges shall be allowed as an allowable expense on a City credit card unless authorized by the Director of Finance.

(c) Any debt incurred as a result of the use of a credit card under this section shall be paid from moneys appropriated in the budget to specific appropriation line items of the appointing authority for work-related expenses listed in division (a) of this section.

(d) Use of any credit card under division (a) of this section shall be limited to the amount appropriated in a specific appropriation line item for the permitted use or uses designated in division (a) and not otherwise encumbered.

(e) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee to reimburse the City Treasury for the amount charged to the City beyond the authorized amount or the amount of unauthorized use. If the card is issued to the office of an appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for the amount charged to the City beyond the authorized amount or for the amount of unauthorized use.

(f) Any time a City credit card authorized for use under this section is used for more than the amount appropriated and not otherwise unencumbered or is used for an unauthorized use, the City Treasury shall be reimbursed for any amount spent beyond the appropriated, otherwise unencumbered amount, or for the amount of unauthorized use, in the following manner:

(1) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee for reimbursing the City Treasury for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(2) If the card is issued in the name of the office of the appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for reimbursement for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(g) Whenever any officer or employee who is authorized to use a City credit card or the office of any other county appointing authority suspects the loss, theft, or possibility of unauthorized use of the card, the officer or employee shall notify the Director of Finance and either the officer's or employee's appointing authority immediately and in writing.

(h) If the Director of Finance determines there has been a credit card expenditure beyond the appropriated, otherwise unencumbered or the authorized amount or if the Director

of Finance determines that there has been unauthorized use of a credit card, and if the Director of Finance determines that the City Treasury should be reimbursed for credit card expenditures beyond the appropriated, otherwise unencumbered or the authorized amount, or for the amount of the unauthorized use, the Director of Finance shall give written notice to the officer or employee or appointing authority of liability to the City Treasury in accordance with this section. If, within thirty (30) days after issuance of the written notice, the City Treasury is not reimbursed for the amount shown on the written notice, the Director of Law shall recover that amount from the officer or employee or appointing authority who is liable under this section by civil action in any court of appropriate jurisdiction.

(i) Use of a City credit card for any use other than those permitted under division (a) of this section is a violation of RC 2913.21.

(j) The Director of Finance may revoke credit card privileges and reclaim the credit cards as the Director deems necessary.

Section 2. That existing Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1246-12, passed October 15, 2012, 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 August 14, 2013.
Effective August 16, 2013.

Ord. No. 843-13.
By Council Members Mitchell and Kelley (by departmental request).

An emergency ordinance to amend Section 8 of Ordinance No. 360-13, passed March 25, 2013, relating to a lease at 1449 West 117th Street from Montlack Realty, or their designees, for the purpose of providing office space for the Adult Probation Department of the Cleveland Municipal Court.

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

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

Section 1. That Section 8 of Ordinance No. 360-13, passed March 25, 2013, is amended to read as follows:

Section 8. That the costs of the lease entered into in 2013 shall be paid from Fund No. 10 SF 085, and for years 2014 and 2015 shall be subject to annual appropriation, RQS 0115, RL 2013-17.

Section 2. That existing Section 8 of Ordinance No. 360-13, passed March 25, 2013, 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 August 14, 2013.
Effective August 16, 2013.

Ord. No. 846-13.
By Council Members Brancatelli, Kelley and Cummins (by departmental request).

An emergency ordinance to amend Grant Agreement No. CT 8006 SG 2013-057 with the Near West Side Multi-Service Corporation located at 4115 Bridge Avenue executed on March 18, 2013, to provide an additional emergency repair grant for the May Dugan Center located at 4115 Bridge Avenue.

Whereas, under Ordinance No. 959-11, passed June 4, 2012, this Council authorized the Director of Community Development to enter into a grant agreement with The Near West Side Multi-Service Corporation, or its designee, to make emergency elevator and roof repairs at the May Dugan Center; and

Whereas, authority is necessary to make additional repairs to the May Dugan Center's exterior walls and for other incidental urgent repairs; and

Whereas, changes to the agreement are necessary to allow the May Dugan Center to continue to offer certain services to the community; and

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

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

Section 1. That the Director of Community Development is authorized to enter into an amendment to Grant Agreement No. CT 8006 SG 2013-057 with The Near West Side Multi-Service Corporation, or its designee, to add the additional emergency repairs of the exterior walls and for other incidental urgent repairs needed at the May Dugan Center located at 4115 Bridge Avenue. The cost of this amendment shall not exceed \$43,000 and shall be paid from Fund No. 14 SF 036.

Section 2. That the Director of Law shall prepare the amendment referenced in this ordinance.

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

Passed August 14, 2013.
Effective August 16, 2013.

Ord. No. 847-13.
By Council Members Mitchell and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Cuyahoga County Corrections Planning Board for the Domestic Intervention, Education & Training (D.I.E.T.) Program.

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$218,360 and any other funds that become available during the grant term, from the

Cuyahoga County Corrections Planning Board to conduct the Domestic Intervention, Education & Training (D.I.E.T.) 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 draft contract placed in the file below.

Section 2. That the draft contract for the grant, File No. 847-13-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 Chief Probation Officer is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 848-13.

By Council Members Westbrook, Miller and Kelley (by departmental request).

An emergency ordinance approving the report of the assessment equalization boards on objections concerning estimated assessments to relay and repair sidewalks (including adjustments of castings, if necessary) encroaching upon the public right-of-way on Clifton Boulevard from West 115th Street to Lake Avenue; determining to proceed with the improvements; and adopting the equalized assessments.

Whereas, the assessment equalization board appointed by Resolution No. 682-13, adopted May 6, 2013, to hear and determine all objections concerning the estimated assessments for improving Clifton Boulevard from West 115th Street to Lake Avenue by relaying and repairing sidewalks (including adjustments of castings, if necessary) encroaching upon the public right-of-way or otherwise improving the right-of-way in accordance with Resolution No. 271-13, adopted March 25, 2013, has filed its report with this Council as to its determination of such objections; and

Whereas, this Council deems said report proper in all respects; 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 report of the assessment equalization board, appointed by Resolution No. 682-13, adopted May 6, 2013, and contained in File No. 848-13-A, is approved.

Section 2. That the assessments as equalized by the board and recommended in their report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

Section 3. That it is determined to proceed to improve Clifton Boulevard from West 115th Street to Lake Avenue by relaying and repairing sidewalks, including adjustments of castings, if necessary, encroaching upon the public right-of-way or otherwise improving the right-of-ways in accordance with Resolution No. 271-13, adopted March 25, 2013 (the "Resolution of Necessity").

Section 4. That the Improvements shall be performed under the provisions of the Resolution of Necessity, and with the plans, specifications, and profiles approved and filed in the office of the Clerk of Council and in accordance with the estimates as equalized.

Section 5. That the estimated assessments for the Improvements, as equalized by the Assessment Equalization Boards, filed in the office of the Clerk of City Council are adopted.

Section 6. That it is further determined that the portion of the cost of the Improvements to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 7. That no claims for damages resulting from the Improvements have been filed.

Section 8. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

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

Passed August 14, 2013.

Effective August 16, 2013.

Ord. No. 850-13.

By Council Members K. Johnson, Mitchell, Miller and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for rehabilitating Woodland Avenue from west of East 89th Street to East 116th Street (Martin Luther King Jr. Drive) in the City of Cleveland; authorizing the Director of Capital Projects to enter into any relative agreements; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing one or more contracts with consultants, and agreements with public and private entities; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: for rehabilitating Woodland Avenue from west of East 89th Street to East 116th Street (Martin Luther King Jr. Drive) in the City of Cleveland (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes.

Section 5. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the installation of all utility facilities, relocation, and reimbursement on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That the Director of Capital Projects is authorized to enter into contracts with Ohio Department of Transportation ("ODOT") pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the State necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions,

and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 8. That this Council requests the State to proceed with the Improvement.

Section 9. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects 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 shall be prepared by the Director of Law, approved by the Director of Capital Projects and certified by the Director of Finance.

Section 10. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 11. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 12. That the Director of Capital Projects, when necessary, is authorized to cause payment to the Greater Cleveland Regional transit Authority, and other entities or payment of any services which were necessary to construct the Improvement described in this ordinance.

Section 13. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to

acquire, accept, and record for right-of-way purposes any real property and easements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value.

Section 14. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 15. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 16. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and 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 17. That the cost of the contracts, payments, property acquisition, cash matches, and other expenditures authorized shall be paid from the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, and Fund Nos. 20 SF 510, 20 SF 520, 20 SF 524, 20 SF 528, 20 SF 534, 20 SF 540, and 20 SF 546, RQS 0103, RL 2013-120.

Section 18. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 19. 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 August 14, 2013.
Effective August 16, 2013.

Ord. No. 851-13.
By Council Members Cimperman, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Ohio City Development Partners, LLC to encroach into the public right-of-way of Detroit Avenue by installing, using, and maintaining 8 front overhanging balconies and sunshades.

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 Capital Projects is authorized to issue a permit, revocable at the will of Council, to Ohio City Development Partners, LLC, 18100 Jefferson Park Road, Suite 103 Middleburg Heights, Ohio 44130 ("Permittee"), to

encroach into the public right-of-way of Detroit Avenue by installing, using, and maintaining 4 overhanging balconies on the second floor at 15 feet 7 7/8 inches above grade and 4 overhanging balconies on the third floor at 26 feet 7 3/4 inches above grade at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of original Brooklyn Township lot 51, further described as follows:

Beginning at the intersection of the east right of way of West 32nd Street (66.00 feet wide) and the south right of way of Detroit Avenue N.W. (66.00 feet wide) thence easterly along the south right of way of Detroit Avenue N.W. 62.00 feet to the principle place of beginning;

Thence continuing easterly along the south right of way of Detroit Avenue N.W. 287.41 feet to a point;

Thence northerly perpendicular to the south right of way of Detroit Avenue N.W. 2.5 feet to a point;

Thence westerly parallel to the south right of way of Detroit Avenue N.W. 287.41 feet to a point;

Thence southerly 2.5 feet to the place of beginning.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

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, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachments permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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 August 14, 2013.
Effective August 16, 2013.

Ord. No. 852-13.
By Council Members Cleveland, Miller and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Slavic Village Development to encroach into the public right-of-way of Broadway Avenue between East 49th Street and Mead Avenue S.E. by installing, using, and maintaining the Broadway Arch Public Art 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 Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Slavic Village Development, 5620 Broadway, Cleveland, Ohio 44127 ("Permittee"), to encroach into the public right-of-way of Broadway Avenue between East 49th Street and Mead Avenue S.E. by installing, using, and maintaining the Broadway Arch Public Art Project.

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

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, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment permitted.

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

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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 854-13.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2011-267 with Rand Worldwide Subsidiary Inc., dba Imaginit Technologies to provide technical support relating to AutoCad software for the Department of Port Control.

Whereas, under the authority of Ordinance No. 1331-08, passed October 6, 2008, the Director of Port Control entered into Contract No. PS 2011-267 with Rand Worldwide Subsidiary Inc., dba Imaginit Technologies to provide technical support relating to AutoCad software for the Department of Port Control; and

Whereas, Ordinance No. 1331-08 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS 2011-267 for an additional year with Rand Worldwide Subsidiary Inc., dba Imaginit Technologies to provide technical support relating to AutoCad software for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 1331-08 to exercise this option.

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

Passed August 14, 2013.

Effective August 16, 2013.

Ord. No. 855-13.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2011-268 with the Society for Human Resource Management to provide professional technical and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport, Department of Port Control.

Whereas, under the authority of Ordinance No. 1404-07, passed November 12, 2007, the Director of Port Control entered into Contract No. PS 2011-268 with the Society for Human Resource Management to provide professional technical and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport, Department of Port Control; and

Whereas, Ordinance No. 1404-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS 2011-268 for an additional year with the Society for Human Resource Management to provide professional technical and general training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport, Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 1404-07 to exercise this option. (RQS 3001, RL 2013-124)

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

tive 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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 856-13.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew various contracts entered into under the authority of Ordinance No. 190-07, passed March 12, 2007, to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials and installation, for the Department of Port Control.

Whereas, under the authority of Ordinance No. 190-07, passed March 12, 2007, the Director of Port Control entered into the following contracts: Contract No. MA 2011-96 with Lakefront Automotive Parts, Inc., Contract No. MA 2011-97 with Jack Doheny Supplies Ohio, Inc., Contract No. MA 2011-99 with Southeastern Equipment Co. Inc., Contract No. MA 2011-100 with Concord Road Equipment Mfg. Inc., Contract No. MA 2011-101 with M-B Companies, and Contract No. MA 2011-102 with Ohio Machinery Co., dba Ohio CAT, to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials and installation, for the Department of Port Control; and

Whereas, Ordinance No. 190-07 requires further legislation before exercising the first option to renew on these contracts; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. MA 2011-96 with Lakefront Automotive Parts, Inc. for an additional year in the approximate amount of \$510,000.00, for the requirements for an additional year, to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials and installation, for the Department of Port Control.

Section 2. That the Director of Port Control is authorized to exercise the first option to renew Contract No. MA 2011-97 with Jack Doheny Supplies, Ohio, Inc. for an additional year in the approximate amount of \$162,400.00, for the requirements for an additional year, to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials and installation, for the Department of Port Control.

Section 3. That the Director of Port Control is authorized to exercise the first option to renew Contract No. MA 2011-99 with Southeastern Equipment Co., Inc. for an additional year in the approximate amount of \$72,598.00, for the requirements for an additional year, to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor

and materials and installation, for the Department of Port Control.

Section 4. That the Director of Port Control is authorized to exercise the first option to renew Contract No. MA 2011-100 with Concord Road Equipment Mfg., Inc. for an additional year, in the approximate amount of \$261,176.40, for the requirements for an additional year to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials and installation, for the Department of Port Control.

Section 5. That the Director of Port Control is authorized to exercise the first option to renew Contract No. MA 2011-101 with M-B Companies for an additional year in the approximate amount of \$104,800, for the requirements for an additional year, to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials and installation, for the Department of Port Control.

Section 6. That the Director of Port Control is authorized to exercise the first option to renew Contract No. MA 2011-102 with Ohio Machinery Co., dba Ohio CAT for an additional year in the approximate amount of \$47,720.00, for the requirements for an additional year, to provide automotive parts, supplies, and services necessary for vehicle maintenance, including labor and materials and installation, for the Department of Port Control.

Section 7. This ordinance constitutes the additional legislative authority required by Ordinance No. 190-07 needed to exercise the options to renew for the above contracts.

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.

Passed August 14, 2013.

Effective August 16, 2013.

Ord. No. 857-13.
By Council Members Brancatelli, Cleveland, Kelley and Cummins (by departmental request).

An emergency ordinance authorizing the Director of Community Development to lease certain property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, to Fast Track Cycling, Inc. for the purpose of constructing, developing and operating a cycling facility, for a term not to exceed four years; and authorizing the Commissioner of Purchases and Supplies to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. in connection with the sale of the property.

Whereas, the City of Cleveland owns certain property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, which is not needed for public use; and

Whereas, Fast Track Cycling, Inc. has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease to Fast Track Cycling, Inc. ("Lessee"), certain property which is not needed for public use more fully described as follows:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "A" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "B" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Section 2. That the term of the lease authorized by this ordinance shall commence January 1, 2014, shall not exceed four years, and may be terminated by the Director of Community Development 180 days after written notice to Fast Track, Inc. or upon sale of the property to Fast Track, Inc.

Section 3. That the property authorized by this ordinance shall be leased at a rental of \$1.00 per year, and other valuable considerations, which is determined to be fair market value, exclusive of utilities.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Community Development, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 7. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. for the sale of City-owned property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, and further described in above in this ordinance.

Section 8. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described above under the option at a price determined to be fair market value by the Board of Control, taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 9. That the Option to Purchase Agreement shall be prepared by the Director of Law.

Section 10. 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 11. That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with Fast Track Cycling, Inc., for the acquisition, disposition and private redevelopment of the property described in this ordinance.

Section 12. That the proceeds from the sale of the property shall be deposited into Fund No. 10.

Section 13. 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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 858-13.
By Council Members Cimperman, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to vacate a portion of Franklin Avenue, N.W.
Whereas, under Resolution No. 1408-12, adopted December 3, 2012, this Council declared its intention to vacate a portion of Franklin Avenue, N.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 21, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Being all that portion of Franklin Avenue N.W. (60.00 feet wide) extending easterly from the northerly prolongation of west line of the Lot Split

and Consolidation Plat of Lands of Virginia E. Peck and Kenneth R. Hall as shown in volume 244 of Maps, page 48 of Cuyahoga County Records to its terminus with the vacated portion of Franklin Avenue N.W. (60.00 feet wide) and West 20th Street (66 feet wide) as shown in Volume 202 of Maps, page 59 of Cuyahoga County Records.

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company (CEI) and the City of Cleveland Department of Water.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company (CEI), City of Cleveland Department of Water, and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 859-13.
By Council Members Sweeney, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to vacate a portion of Brookpark Road and a portion of Relocated Grayton Road.

Whereas, under Resolution No. 1538-12, adopted December 3, 2012, this Council declared its intention to vacate a portion of Brookpark Road and a portion of Relocated Grayton Road; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 21, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Vacation of a Portion of Brookpark Road

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Rockport Township Section No. 4, Original Middleburg Township Section No. 20, Lot No. 1 and Original Middleburg Township Section No. 11, Lot No. 6. Also being part of Brookpark Road as dedicated in Volume 118, Page 24, Volume 127, Page 29 and Volume 130, Pages 152-154 of the Cuyahoga County Map Records, being more definitely described as follows;

Commencing at a 1" iron pin found in a monument box at the intersection of the centerline of Relocated Brookpark Road and the centerline of Relocated Old Grayton Road as shown on Centerline Survey Plat recorded in Volume 313, Pages 97-99 of the Cuyahoga County Map Records;

Thence, along the centerline of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 126.82 feet, said curve having a radius of 674.07 feet, a central angle of 10° 46' 47", and a chord of 126.63 feet which bears North 64° 41' 07" East;

Thence, leaving said centerline, South 30° 42' 17" East, 50.00 feet to the southerly right of way of Relocated Brookpark Road and True Point of Beginning for the parcel herein described, said point also being in the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, North 89° 45' 56" East, 1192.03 feet;

Thence, continuing along the northerly right of way of Brookpark Road, North 89° 54' 00" East, 2217.91 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, South 72° 01' 22" East, 71.27 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 497.83 feet to the southerly right of way of Brookpark Road, said curve having a radius of 1577.89 feet, a central angle of 18° 04' 39", and a chord of 495.77 feet which bears South 81° 03' 42" East;

Thence, along the southerly right of way of Brookpark Road, South 89° 54' 00" West, 2775.16 feet;

Thence, continuing along the southerly right of way of Brookpark Road, South 89° 45' 56" West, 1559.33 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, North 89° 43' 19" East, 0.80 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 384.51 feet to the point of beginning, said curve having a radius of 724.07 feet, a central angle of 30° 25' 36", and a chord of 380.01 feet which bears North 74° 30' 31" East;

Containing within said bounds 8.5278 acres (371,472 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

Vacation of a Portion of Relocated Grayton Road

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Rockport Township Section No. 4. Also being that part of Orchard Glen Subdivision recorded in Volume 62, Page 12 of the Cuyahoga County Map Records, West Lawn Subdivision recorded in Volume 70, Page 28 of the Cuyahoga County Map Records and vacated West Lawn Avenue as recorded in Volume 195, Page 75 of the Cuyahoga County Map Records conveyed to the City of Cleveland, being more definitely described as follows;

Commencing at a 1" iron pin found in a monument box at the intersection of the centerline of Relocated Brookpark Road and the centerline of Relocated Old Grayton Road as shown on Centerline Survey Plat recorded in Volume 313, Pages 97-99 of the Cuyahoga County Map Records;

Thence, along the centerline of Relocated Brookpark Road, along the arc of a curve which deflects to the left, 126.82 feet, said curve having a radius of 674.07 feet, a central angle of 10° 46' 47" and a chord of 126.63 feet which bears North 64° 41' 07" East;

Thence, leaving said centerline, South 30° 42' 17" East, 50.00 feet to the southerly right of way of Relocated Brookpark Road, said point also being in the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, North 89° 45' 56" East, 1192.03 feet;

Thence, continuing along the northerly right of way of Brookpark Road, North 89° 54' 00" East, 140.12 feet to the westerly right of way of Relocated Grayton Road and the True Point of Beginning for the parcel herein described;

Thence, along the westerly right of way of Relocated Grayton Road, North 02° 02' 24" East, 506.28 feet to the southerly right of way of Relocated Brookpark Road;

Thence, along the southerly right of way of Relocated Brookpark Road, South 88° 55' 58" East, 182.57 feet;

Thence, continuing along the southerly right of way of Relocated Brookpark Road, North 88° 50' 49" East, 29.44 feet to the easterly right of way of Relocated Grayton Road;

Thence, along the easterly right of way of Relocated Grayton Road, South 04° 38' 33" East, 52.93 feet;

Thence, continuing along the easterly right of way of Relocated Grayton Road, South 00° 05' 29" East, 449.98 feet to the northerly right of way of Brookpark Road;

Thence, along the northerly right of way of Brookpark Road, South 89° 54' 00" West, 235.00 feet to the point of beginning.

Containing within said bounds 2.6071 acres (113,564 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in May 2012.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for AT&T and the Illuminating Company (CEI).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T, the Illuminating Company (CEI), and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 860-13.

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

An emergency ordinance to vacate a portion of Rocky River Dr., S.W.

Whereas, under Resolution No. 161-13, adopted March 25, 2013, this Council declared its intention to vacate a portion of Rocky River Dr., S.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 21, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Rockport Township Section No. 3.

Commencing at a MAG nail set at the intersection of the centerline of Brookpark Road S.W. (100 feet wide) and the centerline of Rocky River Drive S.W. (70 feet wide);

Thence, along the centerline of Rocky River Drive S.W., North 26° 19' 49" East, 22.33 feet to the southerly line of said Original Rockport Township Section No. 3;

Thence, continuing along the centerline of Rocky River Drive, North 24° 28' 14" East, 32.97 feet to the northerly right of way of Brookpark Road S.W., and the True Point of Beginning for the parcel herein described;

Thence, along the northerly right of way of Brookpark Road S.W., South 89° 57' 31" West, 13.69 feet;

Thence, continuing along the northerly right of way of Brookpark Road S.W., South 89° 54' 00" West, 24.78 feet to the westerly right of way of Rocky River Drive, S.W.;

Thence, along the westerly right of way of Rocky River Drive S.W., North 24° 28' 14" East, 220.60 feet to the southerly Limited Access line of Interstate 480;

Thence, along the southerly Limited Access line of Interstate 480 the following three courses;

Along the arc of a curve which deflects to the left, 23.74 feet, said curve having a radius of 3918.03 feet, a central angle of 00° 20' 50", and a chord of 23.74 feet which bears South 89° 29' 19" East;

Thence South 01° 07' 31" East, 31.24 feet;

Thence South 26° 37' 40" East, 44.73 feet to the easterly right of way of Rocky River Drive S.W.;

Thence, along the easterly right of way of Rocky River Drive S.W., South 24° 28' 14" West, 142.03 feet to the northerly right of way of Brookpark Road S.W.;

Thence, along the northerly right of way of Brookpark Road S.W., South 89° 57' 31" West, 38.47 feet to the point of beginning.

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for AT&T, the Illuminating Company (CEI), N.E.O.R.S.D., and the City of Cleveland Department of Water.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T, the Illuminating Company (CEI), N.E.O.R.S.D., the City of Cleveland Department of Water, and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 861-13.

By Council Members Miller, Cleveland, Kelley and Cummins (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing improvements to the hillside on and adjoining the Impound Lot at 4300 Bradley Road; authorizing the Director of Capital Projects to enter into one or more contracts for the making of the improvement.

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

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements to the hillside on and adjoining the Impound Lot at 4300 Bradley Road; and evaluating further erosion of the hillside, including the land known as the Bradley Road landfill (the "Improvement"), for the Division of Architecture and Site Development, Office of Capital Projects, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, and the other objectives of the Improvement.

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

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of Codified Ordinances of the City of Cleveland, the Director of Capital Projects is authorized to execute all documents and pay all fees necessary to acquire any real estate interests needed for the Improvement.

Section 3. That the Director of Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of Capital Projects is authorized to seek additional funding sources for the Improvement as it relates to the erosion of the hillside.

Section 5. That the cost of the Improvement authorized shall be paid from Fund Nos. 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, and 20 SF 553, Request No. RQS 1013, RL 2013-117.

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 August 14, 2013.

Effective August 16, 2013.

**Ord. No. 862-13.
By Council Members Keane and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide grant writing and resource development services, for a period of one year with three one-year options to renew, the second of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide grant writing and resource development services, including but not limited to, researching, identifying, completing and submitting public and private grant proposals, and to supplement and expand the traditional sources of funding available to the various divisions of the Department of Port Control, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. 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. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. RQS 3001, RL 2013-118.

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 August 14, 2013.

Effective August 16, 2013.

**Ord. No. 863-13.
By Council Members Pruitt and Kelley (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of landscape materials, supplies, and services, including labor and materials needed to maintain, test, install, replace, improve, restore, and refurbish landscaping and tree lawns located at City-owned or leased Public Utility facilities and other City right-of-ways, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period up to two years, with two one-year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years, with two one-year options to renew, of the necessary items of landscape materials, supplies, and services, including labor and materials needed to maintain, test, install, replace, improve, and refurbish landscaping located at City-owned or leased Public Utility facilities, including but not limited to buildings, yards, structures, stations, towers, substations, and other City right-of-ways, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities. 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 Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of landscape materials, supplies, and services, including labor and materials to install, replace, and restore tree lawns damaged due to utility work performed by the Department of Public Utilities, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2013-25)

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 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 August 14, 2013.

Effective August 16, 2013.

**Ord. No. 975-13.
By Council Members Westbrook, Brancatelli and Kelley (by departmental request).**

An emergency ordinance authorizing an amendment to the Project Agreement with Orlean WT II, LLC relating to the renovation of the former West Technical High School field property located at 2201 West 93rd Street into residential housing and to allow the sale of land for parking.

Whereas, under Ordinance No. 1976-99, passed December 13, 1999, this Council authorized the West Tech Lofts housing project (the "Project") by approving the sale of the former West Technical High School property located at 2201 West 93rd Street, which included both the school and field, to WTech, LP to develop hous-

ing and to authorize a Project Agreement with WTech, LP; and

Whereas, the Project consisted of renovating and rehabilitating the vacant West Technical High School Building into 184 units of market rate residential rental housing (Phase I) and constructing approximately 40 attached single family townhome units and common open areas (Phase II); and

Whereas, after WTech, LP completed Phase I it transferred the Phase II Project property to Orlean WT II, LLC ("Orlean") subject to the Project Agreement requirements for Phase II; and

Whereas, Orlean desires to split the uncompleted portion of the Phase II land into two separate pieces, and to sell one of those pieces to MIMG XXXVI West Tech Lofts, LLC ("MIMG") to develop a tenant parking lot (the "Orlean/MIMG Property"); and

Whereas, the Project Agreement needs to be amended for the City to consent to the split of the uncompleted portion of the Phase II land, and to develop a plan with Orlean to complete Phase II; and

Whereas, the City wishes to release the deed restrictions on the portion of the Orlean/MIMG Property in order to allow MIMG to construct the parking lot; and

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

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

Section 1. That the Director of Community Development is authorized to enter into an amendment to the Project Agreement entered into with WTech, LP and subsequently assumed by Orlean WT II, LLC. The amendment to the Project Agreement shall (a) authorize a portion of the land in Phase II consisting of 16 parcels and shown in the map in the file as Part A to be sold to MIMG XXXVI West Tech Lofts, LLC, for a parking lot; (b) authorize the release of the City's reversionary interests in the Part A property; (c) develop a plan with Orlean WT II, LLC to complete the balance of the Phase II residential housing project site consisting of the property as shown in the map in the file as Part B with a revised number of housing units and with new timelines; so long as such a plan requires that the proceeds of the sale of the land referred to above as Part A shall be applied toward debt encumbering the land referred to above as Part B; (d) contain such other requirements as the Director of Community Development and Director of Law may deem necessary to protect the interests of the City of Cleveland; and (e) require Orlean WT II, LLC to present all design drawings, specifications, and other construction documents to the City Planning Commission and the Design Review Committee for approval prior to the issuance of permits by the Department of Building and Housing. A copy of the Executive Summary and map are placed in File No. 975-13-A.

Section 2. That the amendment to the Project Agreement and such other documents as may be appropriate to complete the transactions authorized shall be prepared by the Director of Law.

Section 3. That the Director of Community Development, the Director of Law, and appropriate City officials

are authorized to execute such certifications and documents, and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the Project Agreement.

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 August 14, 2013.
Effective August 16, 2013.

Ord. No. 1068-13.

By Council Member Miller.

An emergency ordinance to add the name "Roosevelt Pendleton - Penn Barbershop Way" as a secondary name to Vashti Avenue from East 124th Street to St. Clair Avenue.

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 Codified Ordinances of the City of Cleveland, 1976, the name "Roosevelt Pendleton - Penn Barbershop Way" shall be added as a secondary name to Vashti Avenue from East 124th Street to St. Clair Avenue.

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

Passed August 14, 2013.
Effective August 16, 2013.

Ord. No. 1069-13.

By Council Member Reed.

An emergency ordinance authorizing the Director of the Department of Public Safety to enter into an agreement with the Mount Pleasant Community Zone for the Neighborhood Safety and Security Program for the Mt. Pleasant and Kinsman Neighborhood Area through the use of Ward 2 Cleveland Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Public Safety be authorized to enter into an agreement with the Mount Pleasant Community Zone for the Neighborhood Safety and Security Program for the public purpose of joint collaboration with the Fourth District Police Station on safety activities and the coordination of the use of security cameras along the commercial area in the Mt. Pleasant and Kinsman Road neighborhood area

that is in the city of Cleveland through the use of Ward 2 Cleveland Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. 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 August 14, 2013.
Effective August 16, 2013.

Ord. No. 1070-13.

By Council Member Dow.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Hough Development Corporation or its designee the Bellaire Puritas Development Corporation for the New Day in Hough Expo through the use of Ward 7 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement effective July 27, 2013 with the Hough Development Corporation or its designee the Bellaire Puritas Development Corporation for the New Day in Hough Expo for the public purpose of providing information on various city services and social support programs that are available to city of Cleveland residents through the use of Ward 7 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$8,000 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. 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 August 14, 2013.
Effective August 16, 2013.

Ord. No. 1071-13.

By Council Member Brady.

An emergency ordinance authorizing Shawn Stephens to engage in mobile peddling in Ward 17.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 17; and

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

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

Section 1. That, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Shawn Stephens to engage in mobile peddling in the public right of way in Ward 17.

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

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

Section 4. That this ordinance 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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 1072-13.

By Council Members Conwell and J. Johnson.

An emergency ordinance to amend Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-13 passed May 20, 2013 relating to automated camera locations.

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 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-13 passed May 20, 2013 is hereby amended to read as follows:

Section 413.031 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) *Civil Enforcement System Established.* The City of Cleveland hereby adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (p). This civil enforcement system imposes monetary liability on the "owner" of a vehicle as defined in division (p) for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) *Red Light Offense - Liability Imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light

(c) *Speeding Offense - Liability Imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) *Liability Does Not Constitute a Conviction.* The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person on whom the liability is imposed.

(e) *Other Offenses and Penalties Not Abrogated.* Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) *Selection of Camera Sites.* The selection of the sites where automated cameras are placed and the enforcement of this ordinance shall be made on the basis of sound professional traffic engineering and law enforcement judgments. Automated cameras shall not be placed at any site where the speed restrictions or the timing of the traffic signal fail to conform to sound professional traffic engineering principles.

(g) *Locations.* The following are the locations for the Automated Traffic Enforcement Camera System:

Locations

Shaker Boulevard at Shaker Square
Chester Avenue at Euclid Avenue
West Boulevard at North Marginal Road

Shaker Boulevard at East 116th Street

West Boulevard at I-90 Ramp
Chester Avenue at East 71st Street
East 55th Street at Carnegie Avenue

Woodland Avenue in the 4500 to 4700 block

Euclid Avenue between Cliffview Road and Torbenson Road

East 131st Street at Harvard Avenue

Carnegie Avenue at East 30th Street

Cedar Avenue at Murray Hill Road
Grayton Road at I-480 Ramp

Euclid Avenue at Mayfield Road
Warren Road at I-90 Ramp

Prospect Avenue at East 40th Street
East 116th Street at Union Avenue

Pearl Road at Biddulph Road
Carnegie Avenue at East 100th Street

Carnegie Avenue at Martin Luther King Jr. Drive

Memphis Avenue at Fulton Road
Lakeshore Boulevard at East 159th Street

St. Clair Avenue at London Road
Clifton Boulevard between West 110th Street and West 104th Street

Chester Avenue between East 55th Street and East 40th Street

Woodland Avenue between East 66th Street and East 71st Street

West Boulevard between I-90 Ramp and Madison Avenue

Lee Road between Tarkington Avenue and I-480 Ramp

I-90 and West 41st Street
I-90 and West 44th Street

Woodland Avenue at East 55th Street

Harvard Avenue at Lee Road
Orange Avenue at East 30th Street

Chester Avenue at East 105th Street
St. Clair Avenue at East 152nd Street

Kinsman Road at East 93rd Street
Lee Road at Miles Road

Stokes Boulevard at Cedar Avenue
West 25th Street at Clark Avenue

I-490 at East 55th Street
Pearl Road at Denison Avenue

Broadview Road at Brookpark Road

West 65th Street and Clark Avenue
St. Clair Avenue at East 105th Street

Woodland Avenue at East 30th Street

Lorain Avenue at West 65th Street
Broadview Road at Spring Road

St. Clair Avenue at East 55th Street
Puritas Avenue at West 150th Street

Martin Luther King Jr. Drive at East 105th Street

East 105th Street and Superior Avenue

East 156th Street and Waterloo Road

Neff Road and East 185th Street

The Director of Public Safety shall cause the general public to be notified by means of a press release issued at least thirty (30) days before any given camera is made fully operational and is used to issue tickets to offenders. Before a given camera issues actual tickets, there shall be a period of at least two (2) weeks, which may run concurrently with the thirty (30) day public-notice period, during which only "warning" notices shall be issued.

At each site of a red light or fixed speed camera, the Director of Public Works shall cause signs to be posted to apprise ordinarily observant motorists that they are approaching an area where an automated camera is monitoring for red light or speed violators. Mobile speed units shall be plainly marked vehicles.

(h) *Notices of Liability.* Any ticket for an automated red light or speeding system violation under this section shall:

(1) Be reviewed by a Cleveland police officer;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(i) *Penalties.* Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by RC 4507.021 ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(j) *Ticket Evaluation, Public Service, and Appeals.* The program shall include a fair and sound ticket-evaluation process that includes review by the vendor and a police officer, a strong customer-service commitment,

and an appeals process that accords due process to the ticket respondent and that conforms to the requirements of the Ohio Revised Code.

(k) *Appeals.* A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the ticket. The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

Appeals shall be heard by the Parking Violations Bureau through an administrative process established by the Clerk of the Cleveland Municipal Court. At hearings, the strict rules of evidence applicable to courts of law shall not apply. The contents of the ticket shall constitute a prima facie evidence of the facts it contains. Liability may be found by the hearing examiner based upon a preponderance of the evidence. If a finding of liability is appealed, the record of the case shall include the order of the Parking Violations Bureau, the ticket, other evidence submitted by the respondent or the City of Cleveland, and a transcript or record of the hearing, in a written or electronic form acceptable to the court to which the case is appealed.

Liability shall not be found where the evidence shows that the automated camera captured an event that is not an offense, including each of the following events and such others as may be established by rules and regulations issued by the Director of Public Safety under the authority of division (n) of this section:

- (1) The motorist stops in time to avoid violating a red light indication;
- (2) The motorist proceeds through a red light indication as part of funeral procession;
- (3) The motorist is operating a City-owned emergency vehicle with its emergency lights activated and proceeds through a red light indication or exceeds the posted speed limitation;
- (4) The motorist is directed by a police officer on the scene contrary to the traffic signal indication.

Liability shall also be excused if a vehicle is observed committing an offense where the vehicle was stolen prior to the offense and the owner has filed a police report.

The Director of Public Safety, in coordination with the Parking Violations Bureau, shall establish a process by which a vehicle owner who was not the driver at the time of the alleged offense may, by affidavit, name the person who the owner believes was driving the vehicle at the time. Upon receipt of such an affidavit timely submitted to the Parking Violations Bureau, the Bureau shall suspend further action against the owner of the vehicle and instead direct notices and collection efforts to the person identified in the affidavit. If the person named in the affidavit, when notified, denies being the driver or denies liability, then the Parking Violations Bureau shall resume the notice and collection process against the vehicle owner, the same as if no affidavit had been submitted, and if the violation is found to have been committed by a preponderance of evidence, the owner shall be liable for any penalties imposed for the offense.

A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Ohio Revised Code.

(l) *Evidence of Operation.* It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles, or with any other state vehicle registration office, or in the case of a leased or rented vehicle, the "lessee" as defined in division (p), was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(m) *Program Oversight.* The Director of Public Safety shall oversee the program authorized by this section. The Director of Public Works shall oversee the installation and maintenance of all automated cameras. An encroachment permit shall be authorized in the legislation in which locations are selected.

(n) *Rules and Regulations.* The Director of Public Safety may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after publication in the City Record.

(o) *Establishment of Penalty.* The penalty imposed for a violation of division (b) or (c) of this section shall be follows:

413.031(b)		
All violations		\$100.00
413.031(c)		
Up to 24 mph over the speed limit:		\$100.00
25 mph or more over the speed limit:		\$200.00
Any violation of a school or construction zone speed limit:		\$200.00

Late penalties: for both offenses, if the penalty is not paid within twenty (20) days from the date of mailing of the ticket to the offender, an additional twenty dollars (\$20.00) shall be imposed, and if not paid within forty (40) days from that date, another forty dollars (\$40.00) shall be imposed, for a total additional penalty in such a case of sixty dollars (\$60.00).

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

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "Lessee" includes renter and means:

A. the person identified as a vehicle lessee or renter by a motor vehicle leasing dealer or motor vehicle renting dealer pursuant to RC 4511.092 and further identified by the dealer as the person having care, custody or control of the vehicle at the time of a violation of divisions (b) or (c); or

B. the person identified as the lessee or as an additional owner of a vehicle in the records of the Ohio Bureau of Motor Vehicles or the records of any other state motor vehicle bureau.

(3) "System location" means the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(4) "Vehicle owner" or "owner"

means the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle, or in the case of a leased or rented vehicle, the "lessee".

Section 2. That existing Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-13 passed May 20, 2013 is hereby repealed.

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

Passed August 14, 2013.
Effective August 16, 2013.

Ord. No. 1085-13.
By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 667-13, passed May 20, 2013, relating to the 2013 Home Weatherization Assistance Program.

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

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

Section 1. That Section 1 of Ordinance No. 667-13, passed May 20, 2013, is amended to read as follows:

Section 1. That the Director of Community Development is authorized to expend the approximate amount of \$2,900,000 and any other funds that become available during the grant term, from the State of Ohio, ODSA, to conduct the 2013 Home Weatherization Assistance Program and that up to 7% of the grant amount may be spent for administrative costs of the program.

Section 2. That existing Section 1 of Ordinance No. 667-13, passed May 20, 2013, 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 August 14, 2013.
Effective August 16, 2013.

Ord. No. 1086-13.
By Council Members Cimperman, Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept several grants from JobsOhio, the Clean Ohio Council and/or the State of Ohio in connection with Phase II of the Flats East Bank development; and authorizing the Director to enter into one or more contracts with Flats East Development, LLC, or its designee, to implement the grant 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 Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from JobsOhio, the Clean Ohio Council, and/or the State of Ohio Development Services Agency, or their successors or designees, a Roadwork Development grant in an amount up to \$2,500,000 from JobsOhio and/or the State of Ohio Development Services Agency, or their successors or designees, and a Jobs and Commerce Program Grant in an amount up to \$2,500,000 from JobsOhio and/or the State of Ohio Department of Transportation or their successors or designees, for environmental assessment, remediation, infrastructure, and/or redevelopment assistance in connection with Phase II of the Flats East Bank development, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the executive summary for the grants contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grants, File No. 1086-13-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 Economic Development is authorized to enter into one or more contracts with Flats East Development, LLC, or its

designee, to implement the grant projects.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That the cost of the contract or contracts authorized will be paid from the funds or subfunds that are credited the proceeds of the grants accepted under this ordinance.

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

Passed August 14, 2013.
Effective August 16, 2013.

Ord. No. 1087-13.
By Council Members Cimperman, Brancatelli, Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from JobsOhio and/or the State of Ohio Development Services Agency, or its successor or designee, in connection with the proposed redevelopment of the former Fairmont Creamery site at 1720 Willey Avenue; and authorizing the Director to enter into one or more contracts with Sustainable Community Associates, or its designee, to implement the grant 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 Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$1,000,000, from JobsOhio and/or the State of

Ohio Development Services Agency, or their successors or designees, for environmental assessment, remediation, and/or redevelopment assistance in connection with the proposed redevelopment of the former Fairmont Creamery site at 1720 Willey Avenue, to be used to implement the project as described in the executive summary below; 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 executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grant, File No. 1087-13-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 Economic Development is authorized to enter into one or more contracts with Sustainable Community Associates, or its designee, to implement the grant project.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

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

Passed August 14, 2013.
Effective August 16, 2013.

Ord. No. 1088-13.

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 30 and 36 of Ordinance No. 1689-11, passed November 28, 2011, as enacted and amended by various ordinances, relating to compensation for various classifications.

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

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

Section 1. That Section 30 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 753-12, passed June 4, 2012, and Section 36 of Ordinance No. 1689-11, passed November 28, 2011, are amended to read as follows:

Section 30. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administrative Officer	\$20,800.00	\$52,979.99
2. Cable Protection Specialist	20,800.00	37,416.11
3. Case Worker Supervisor.....	20,800.00	45,229.92
4. Chief Caseworker Supervisor.....	22,426.64	45,943.18
5. Chief Clerk.....	22,050.00	47,550.25
6. Chief Photographer.....	20,800.00	51,187.90
7. Chief Telephone Operator.....	20,800.00	50,040.00
8. Epidemiologist.....	40,000.00	82,781.08
9. Personnel Analyst I.....	21,000.00	47,258.25
10. Public Health Emergency Preparedness Specialist.....	30,160.00	53,352.00
11. Safety Programs Officer I.....	25,000.00	66,226.65
12. Safety Programs Officer II.....	25,000.00	46,357.77

13.	Secretary to Board of Examiner of Board of Review (Electrical).....	20,800.00	39,782.36
14.	Secretary - Boxing and Wrestling Commission.....	30,573.46	36,325.25
15.	Superintendent of Maintenance.....	23,606.98	57,223.92
16.	Supervisor of Income Tax Files.....	20,800.00	39,782.36

Section 36. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant Supervisor.....	\$23,647.11	\$72,539.05
2. Assistant Chief of Water Distribution.....	23,647.11	86,668.37
3. Assistant Commissioner of Assessments and Licenses	23,647.11	84,588.76
4. Assistant Commissioner, Division of Printing and Reproduction.....	23,647.11	84,588.76
5. Building Manager.....	23,647.11	78,080.22
6. Business Process Analyst.....	55,000.00	97,850.00
7. Chief Architect.....	23,647.11	101,803.14
8. Chief Auditor - Utilities.....	23,647.11	84,588.76
9. Chief City Planner.....	30,000.00	82,781.08
10. Chief, Computer Operations.....	23,647.11	84,588.76
11. Chief Engineer - Civil.....	23,647.11	84,588.76
12. Chief Engineer - Mechanical.....	23,647.11	84,588.76
13. Chief Legal Investigator - Civil Branch.....	23,647.11	67,017.93
14. Chief of Street Lighting and Electrical Services.....	23,647.11	97,572.42
15. Chief of Laboratories.....	23,647.11	80,353.75
16. Chief of Purification.....	23,647.11	86,668.37
17. Convention Manager.....	23,647.11	78,080.22
18. Development Finance Analyst I.....	34,000.00	60,216.00
19. Development Finance Analyst II.....	51,043.20	85,000.00
20. Financial Systems Coordinator.....	23,647.11	67,017.93
21. Fiscal Grants Administrator.....	40,000.00	86,093.31
22. Fiscal Manager.....	23,647.11	84,588.76
23. Health Promotion Coordinator.....	22,333.40	77,262.20
24. Investment Manager.....	23,647.11	84,588.76
25. Manager of Enterprise Unit.....	23,647.11	78,080.22
26. Manager of Events.....	23,647.11	78,080.22
27. Manager of General Maintenance.....	23,647.11	78,080.22
28. Manager of Markets.....	23,647.11	78,080.22
29. Manager of Parking.....	23,647.11	78,080.22
30. Manager of Recreation.....	40,000.00	78,080.22
31. Master Plan Examiner.....	23,647.11	101,803.14
32. Purchasing Supervisor - Division of Purchases and Supplies.....	23,647.11	67,017.93
33. Secretary to the Board of Building Standards and Building Appeals.....	23,647.11	82,781.08
34. Secretary to the Board of Zoning Appeals.....	23,647.11	82,781.08
35. Security Manager.....	23,647.11	90,684.96
36. Senior Internal Auditor.....	23,647.11	67,017.93
37. Senior Programmer Analyst.....	23,647.11	69,365.01
38. Supervisor - Information Control.....	23,647.11	67,017.93
39. Theatrical Manager.....	23,647.11	67,017.93
40. Water Plant Manager.....	23,647.11	97,572.42

Section 2. That existing Section 30 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 753-12, passed June 4, 2012, and existing Section 36 of Ordinance No. 1689-11, passed November 28, 2011, are repealed.

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

Passed August 14, 2013.

Effective August 16, 2013.

**Ord. No. 1089-13,
By Council Members Conwell and
Kelley (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of the necessary items of labor and materials necessary to install exhaust system upgrades at various fire stations and to install appurtenances on certain vehicles to divert exhaust from the fire stations, including installa-

**tion, for the Divisions of Fire and
Emergency Medical Service, Depart-
ment of Public Safety, for a period
of one year, with a one year option
to renew, exercisable by the Direc-
tor 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 the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements period of one year, with a one year option to renew, exercisable by the Director of Public Safety, of the necessary items of labor and materials necessary to install exhaust system upgrades at various fire stations and to install appurtenances on certain vehicles to

divert exhaust from the fire stations, including installation, for the Divisions of Fire and Emergency Medical Service, in the estimated sum of \$114,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Fire and Emergency Medical Service, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, and 20 SF 553 and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 6001, RL 2013-32)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 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 August 14, 2013.
Effective August 16, 2013.

**Ord. No. 1090-13.
By Council Members Zone and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of the Office of Equal Opportunity, or the Executive Director of Workforce Development, to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, Department of Labor, Cuyahoga County, or other fiscal agents, for the 2013 Workforce Investment Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the program; and to sublease areas at Employment Connection, located at 1020 Bolivar Road.

Whereas, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA"), the purpose of which is to ". . . provide workforce investment

activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation"; and

Whereas, under WIA, the Governor of the State of Ohio has designated Ohio Workforce Areas for the WIA throughout Ohio and the governor has designated the geographic boundaries of the City of Cleveland ("City") and Cuyahoga County as Ohio Workforce Area ("OWA") No. 3; and

Whereas, in order to achieve greater cooperation, better address the needs of the citizens of the City and the County, maximize the use of available funds, and comply with the request of the Ohio Governor's Workforce Policy Board of the State of Ohio and generally administer funds and programs under the Workforce Investment Act (WIA), the American Reinvestment Recovery Act (ARRA), and other Workforce Development programs, the City and the County have combined their boards, service areas, and programs and created a consolidated Workforce Investment Area for OWA No. 3 in accordance with an Intergovernmental Agreement entered into by the Mayor and the Cuyahoga County Board of Commissioners on June 4, 2007 ("IGA"); and

Whereas, in accordance with the agreement required by the WIA and approved by the Governor, for the WIA Program Year ("PY") 2013 for the period of July 1, 2013 through June 30, 2015, between the Chairman of the Workforce Investment Board of Cleveland ("WIBC"), Cuyahoga County, and the City, the City has been designated as the WIA grant recipient, administrative entity; and

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

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

Section 1. That the Director of the Office of Equal Opportunity, or the Executive Director of Workforce Development (the "Director"), is authorized to apply for, accept and expend grants and resources in the approximate amount of \$3,000,000, from the Ohio Department of Job and Family Services, Department of Labor, Cuyahoga County or other fiscal agents, for the Workforce Development program services to eligible individuals and businesses. The Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants.

Section 2. That the Director is authorized to enter into one or more contracts with various agencies, entities or organizations to administer and implement the following components of the grant:

Youth Activities

- 10 YOUTH PROGRAM ELEMENTS
 - Tutoring, Study Skills and Instruction
 - Alternative Secondary School Services

- Summer Employment
- Paid Work Experience
- Occupational Skills Training
- Leadership Development
- Supportive Services
- Mentoring
- Follow-up Services
- Comprehensive Guidance and Counseling
- PRE-VOCATIONAL ACTIVITIES
- JOB READINESS TRAINING
- JOB DEVELOPMENT/JOB PLACEMENT
- ON THE JOB TRAINING
- JOB FAIRS, FURNITURE AND EQUIPMENT, WIB MEETINGS, YOUTH COUNCIL, PROVIDER MEETINGS
- YOUTH COUNCIL AND WIB INITIATIVES AND SPECIAL PROJECTS

Adult Activities

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- INCUMBENT WORKER TRAINING
- SPECIALIZED POPULATION SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- FOLLOW-UP SERVICES
- JOB DEVELOPMENT AND EMPLOYER SERVICES
- JOB READINESS TRAINING
- JOB PLACEMENT/CAREER COACHING
- JOB DEVELOPMENT AND EMPLOYER SERVICES
- JOB FAIRS, FURNITURE AND EQUIPMENT, WIB MEETINGS, PROVIDER MEETINGS
- CORE SERVICES
- INTENSIVE SERVICES
- ENTREPRENEURIAL ACTIVITIES
- EMPLOYEE AND EMPLOYER RECOGNITION EVENTS
- PRE-VOCATIONAL ACTIVITIES
- WIB INITIATIVES AND SPECIAL PROJECTS

Dislocated Worker Activities

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- INCUMBENT WORKER TRAINING
- SPECIALIZED POPULATION SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- PRE-VOCATIONAL ACTIVITIES
- FOLLOW-UP SERVICES
- JOB READINESS TRAINING
- PRE PLACEMENT/CAREER COACHING
- JOB FAIRS, FURNITURE AND EQUIPMENT, WIB MEETINGS, PROVIDER MEETINGS
- JOB DEVELOPMENT AND EMPLOYER SERVICES
- RAPID RESPONSE
- CORE SERVICES
- INTENSIVE SERVICES
- ENTREPRENEURIAL ACTIVITIES
- EMPLOYEE AND EMPLOYER RECOGNITION EVENTS
- WIB INITIATIVES AND SPECIAL PROJECTS

Section 3. That the Director is authorized to enter into one or more memoranda of understanding ("MOU") with various entities, agencies, or individuals participating in the Employment Connection services,

activities and/or programs relating to cost-sharing contributions, for the purposes of implementing the Workforce Development programs as described in this ordinance. The Director is further authorized to enter into various agreements necessary to carry out the purposes of the MOUs. The Director is authorized to accept monies under the cost-sharing MOUs, and to deposit the cost sharing contributions in a revolving fund to be used for additional services or contracts under this program, and the funds are appropriated for that purpose.

Section 4. That the Director is authorized to enter into one or more agreements with Cuyahoga County to accept monies from the County to implement the Workforce Investment Act and Workforce Development programs as described in this ordinance, and to deposit the funds in a revolving fund to be used for additional services or contracts under this program, and the funds are appropriated for that purpose.

Section 5. That the Director is authorized to enter into one or more contracts with various entities, agencies, or individuals in order for the City of Cleveland to provide services under the Workforce Investment Act, the American Reinvestment Recovery Act, and Workforce Development programs authorized under this ordinance, and to receive payment for the services. The Director is authorized to accept monies under the first and third party billings, and to deposit the payments collected and other program income in a revolving fund to be used for additional services or contracts under this program, and that the funds are appropriated for that purpose.

Section 6. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director is authorized to sublease various areas at the Employment Connection, located at 1020 Bolivar Road, to various entities, agencies, or individuals, to provide Workforce Development and Economic Development services authorized under this ordinance.

Section 7. That the term of the subleases authorized by this ordinance shall not exceed two years, subject to annual appropriation and to the provisions of the City's lease agreement.

Section 8. That the subleases may authorize the various entities, agencies, or individuals to make improvements to the subleased premises subject to the approval of appropriate City agencies and officials, and to authorize the sublessees to contribute a share of operating costs

Section 9. That the subleases shall be prepared by the Director of Law.

Section 10. That the Director of the Office of Equal Opportunity, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the subleases authorized by this ordinance.

Section 11. That the Director is authorized to accept monies under the subleases authorized above, and to deposit the rent collected, and other program income, in a revolving fund to be used for additional contracts and services under this program, and that the funds are appropriated for that purpose.

Section 12. That the Director is authorized to enter into one or more contracts with various entities, agencies, or individuals to provide business services and/or rental space at 1020 Bolivar Road, Cleveland, OH 44115, and to receive payment for the services. The Director is authorized to accept monies for the services, and to deposit the payments collected in a revolving fund to be used for additional services or contracts under this program, and that the funds are appropriated for that purpose.

Section 13. That the cost of the contract or contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds and the revolving fund identified in this ordinance, which are accepted under this ordinance.

Section 14. That the following amounts are appropriated as follows to provide for administration of the Workforce Development programs and activities:

I. Salaries and payroll related expenses in an amount not to exceed \$1,000,000.

II. Operational and building related costs (Rent, Utilities, Security, Janitorial) at 1020 Bolivar Road, Cleveland, OH, 44115, in an amount not to exceed \$1,200,000.

III. Other Workforce Development grants, MOU Agreements, programs and activities in an amount not to exceed \$300,000

IV. Miscellaneous costs (Indirect costs, chargebacks, supplies) in an amount not to exceed \$500,000.

Section 15. That the Mayor or the Director of the Office of Equal Opportunity or the Executive Director of Workforce Development are authorized to enter into such other agreements as may be necessary to implement the single consolidated Workforce Development program.

Section 16. That the contracts and agreements authorized by this ordinance shall be prepared by the Director of Law.

Section 17. 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 August 14, 2013.

Effective August 16, 2013.

contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide pavement management services, on an as-needed basis, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. 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. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 114, 60 SF 126, 60 SF 141, and from the fund or funds to which are credited any grants received for this purpose and any passenger facility charges that include this purpose, Request No. RQS 3001, RL 2013-112.

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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 1106-13.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide pavement management services, on an as-needed basis, for a period of one year, with three one-year options to renew, the second of which requires 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 employ by

Ord. No. 1117-13.

By Council Members Sweeney and Pruitt.

An emergency ordinance amending Section 2 of Ordinance No. 1397-12 passed October 1, 2012 as amended by Ordinance No. 268-13, passed February 25, 2013 as it pertains to the Basketball Education and Recreation Program through the use of Wards 18 and 1 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 1397-12 passed October 1,

2012 as amended by Ordinance No. 268-13, passed February 25, 2013 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$7,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 1397-12 passed October 1, 2012 as amended by Ordinance No. 268-13, passed February 25, 2013 is hereby repealed.

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

Passed August 14, 2013.

Effective August 16, 2013.

Ord. No. 1118-13.

By Council Members K. Johnson and Mitchell.

An emergency ordinance amending Section 1 of Ordinance No. 378-13 passed March 18, 2013 as it pertains to the Senior Landscaping and Snow Removal Program through the use of Wards 4 and 6 Neighborhood Capital Funds.

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

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

Section 1. That Section 1 of Ordinance No. 378-13 passed March 18, 2013 is hereby amended to read as follows:

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with the Buckeye Area Development Corporation effective April 1, 2013 for the Senior Landscaping and Snow Removal Program for the public purpose of providing landscaping and snow removal services to senior citizens and disabled residents that reside in the city of Cleveland through the use of Wards 4 and 6 Neighborhood Capital Funds.

Section 2. That Section 1 of Ordinance No. 378-13 passed March 18, 2013 is hereby repealed.

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

Passed August 14, 2013.

Effective August 16, 2013.

Ord. No. 1170-13.

By Council Member Conwell.
An emergency ordinance authorizing Anthony Madaloro to engage in mobile peddling in Ward 9.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of

way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 9; and

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

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

Section 1. That, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Anthony Madaloro to engage in mobile peddling in the public right of way in Ward 9

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

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

Section 4. That this ordinance 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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 1171-13.

By Council Member Zone.
An emergency ordinance authorizing Anthony Madaloro to engage in mobile peddling in Ward 15.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

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

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

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

Section 1. That, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Anthony Madaloro to engage in mobile peddling in the public right of way in Ward 15

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

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

Section 4. That this ordinance 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 August 14, 2013.

Effective August 16, 2013.

Ord. No. 1172-13.

By Council Members Westbrook and Brancatelli.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Western Reserve Land Conservancy d/b/a Thriving Communities Institute to provide professional consulting services to staff and administer the Vacant Abandoned Property Action Council whose member organizations, including Cleveland City Council, strategize solutions to the varied problems associated with vacant and abandoned property.

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement with Western Reserve Land Conservancy d/b/a Thriving Communities Institute to provide professional consulting services to staff and administer the Vacant Abandoned Property Action Council whose member organizations, including Cleveland City Council, strategize solutions to the varied problems associated with vacant and abandoned property. This agreement shall be entered into as of July 1, 2013 and shall be for a term concluding July 1, 2014.

Section 2. The agreement shall be certified for \$25,000 from Fund 01, Dept. 0101, Subfund 001, Object Code 6320.

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

Passed August 14, 2013.

Effective August 16, 2013.

COUNCIL COMMITTEE MEETINGS

**Wednesday, August 14, 2013
9:00 a.m.**

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

9:00 a.m.

Committee of the Whole
Present: Sweeney, Chair; Kelley, Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Mitchell, Miller, Polensek, Pruitt, Reed, Westbrook, Zone.

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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