

# The City Record

Official Publication of the Council of the City of Cleveland



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February the Tenth, Two Thousand and Ten

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

### MAYOR – Frank G. Jackson

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

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

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

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

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

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

DEPT. OF PORT CONTROL – Ricky D. Smith, Director

Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

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

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

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

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

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record

OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, FEBRUARY 10, 2010

No. 5018

## CITY COUNCIL

MONDAY, FEBRUARY 8, 2010

### The City Record

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The City Record is available  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Address all communications to

**PATRICIA J. BRITT**

City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

2010-2013

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 8, 2010

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

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

Also present were Mayor Frank J. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Andrea V. Taylor, Press Secretary, Andrew Watterson, Chief of Sustainability, and Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Rybka, Nichols, Fumich, Brown, Interim Directors Natoya J. Walker Minor, John D. Mahone, and Nycole D. West, and Acting Director Mundy Workman and Theresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Rev. Ron Lee of Calvary Congregational Church, 4424 Lee Road, located in Ward 1. Pledge of Allegiance.

#### MOTION

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

#### MAYOR'S APPOINTMENTS

File No. 157-10.

February 2, 2010

The Honorable Martin J. Sweeney  
City Council President  
Cleveland City Council  
601 Lakeside Avenue  
Cleveland, Ohio 44114

The Honorable T. J. Dow  
Chairman, Mayor's Appointments  
Cleveland City Council  
601 Lakeside Avenue  
Cleveland, Ohio 44114

Dear Council President Sweeney and  
Chairman Dow:

Included below are the names and term ending dates of the Mayor's nominations to be considered at the upcoming meeting of Cleveland City Council's Mayor's Appointment Committee. All nominations are reappointments unless noted otherwise.

#### Police Review Board

Eugene Ward, Jr., Term Ending 8-8-2013 (New Appointment)

#### Cleveland-Cuyahoga County Port Authority

Steven Williams, Term Ending 1-28-2014

Paul Hoogenboom, Term Ending 1-28-2014 (New Appointment)

#### Fair Housing Board

Robert Render, Term Ending 6-1-2013

#### Community Relations Board

Gia Hoa Ryan, Term Ending 3-31-2014

Roland Muhammad, Term Ending 3-31-2014

Charles Lucas, Jr., Term Ending 3-31-2014

John Horton, Jr., Term Ending 3-31-2014

Gary Johnson, Sr., Term Ending 3-31-2014 (New Appointment)

#### Greater Cleveland Regional Transit Authority

Leo Serrano, Term Ending 3-2-2013

#### Housing Advisory Board

John Anoliefo, Term Ending 2-28-2012

Thomas Yablonsky, Term Ending 2-28-2012

James Sosan, Term Ending 2-28-2012

Kathleen Monter Durban, Term Ending 2-28-2012

Carolyn Gaiter, Term Ending 2-28-2012

Donet Graves, Term Ending 2-28-2012

Michael Piepsny, Term Ending 2-28-2012

Eric Hoddersen, Term Ending 2-28-2012  
Keith Brown, Term Ending 2-28-2012  
Keith Sutton, Term Ending 2-28-2012  
Eric Wobser, Term Ending 2-28-2012 (New Appointment)

**Landmarks Commission**

Thomas Coffey, Term Ending 12-31-2013  
William Mason, Term Ending 12-31-2013

**Citizens Industrial Air Pollution Advisory Committee**

Jason Bristol, Term Ending 3-10-2011  
Elvin Vauss, Jr., Term Ending 3-10-2011  
Christianne Trepal, Term Ending 3-10-2011  
Jim Apicella, Term Ending 3-10-2011

**City Audit Commission**

Yvette Ittu, Term Ending 3-1-2013

Additionally, resumes and/or biographies are attached for the candidates. I can be reached at 216.664.3544 or vmccall@city.cleveland.oh.us if you have any questions.

Thank you in advance for your cooperation.

Sincerely,

Valarie McCall

Chief of Government Affairs

Received.

Referred to Committee on Mayor's Appointments.

**MAYOR'S APPOINTMENT COMMITTEE**

**File No. 157-10-A.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Police Review Board.

We have before us the Mayor's Letter wherein he names his appointment to the Police Review Board:

Eugene Ward, Jr.  
New Appointment - Term expires on August 8, 2013

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-B.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland-Cuyahoga County Port Authority.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland-Cuyahoga County Port Authority:

Steven Williams  
Reappointment - Term expires on January 28, 2014

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

Mayor's Appointment Committee

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

Received.  
Appointment approved. Yeas 18. Nays 1.

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

Those voting nay: Council Member Polensek.

**File No. 157-10-C.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland-Cuyahoga County Port Authority.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland-Cuyahoga County Port Authority:

Paul Hoogenboom  
New Appointment - Term expires on January 28, 2014

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-D.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Fair Housing Board.

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

Robert Render  
Reappointment - Term expires on June 1, 2013

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-E.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Gia Hoa Ryan  
Reappointment - Term expires on March 31, 2014

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-F.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of

the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Roland Muhammad  
Reappointment - Term expires on  
March 31, 2014

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-G.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Charles Lucas, Jr.  
Reappointment - Term expires on  
March 31, 2014

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-H.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

John Horton, Jr.  
Reappointment - Term expires on  
March 31, 2014

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-I.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Gary Johnson, Sr.  
New Appointment - Term expires  
on March 31, 2014

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-J.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Greater Cleveland Regional Transit Authority.

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

Leo Serrano  
Reappointment - Term expires on  
March 2, 2013

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

Mayor's Appointment Committee

T. J. Dow, Chair  
Phyllis Cleveland

Kevin Kelley  
Eugene R. Miller  
Martin J. Sweeney

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-K.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

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

John Anoliefio  
New Appointment - Term expires on  
February 28, 2012

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-L.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

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

Thomas Yablonsky  
Reappointment - Term expires on  
February 28, 2012

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-M.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

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

Jason Sosan  
Reappointment - Term expires on February 28, 2012

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-N.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

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

Kathleen Monter Durban  
Reappointment - Term expires on February 28, 2012

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-O.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of

the Mayor's Appointment to the Housing Advisory Board.

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

Carolyn Gaiter  
Reappointment - Term expires on February 28, 2012

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-P.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

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

Donet Graves  
Reappointment - Term expires on February 28, 2012

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-Q.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

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

Michael Piepsney  
Reappointment - Term expires on February 28, 2012

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-R.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

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

Eric Hoddersen  
Reappointment - Term expires on February 28, 2012

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-S.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

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

Keith Brown  
Reappointment - Term expires on February 28, 2012

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

Mayor's Appointment Committee

T. J. Dow, Chair  
Phyllis Cleveland

Kevin Kelley  
Eugene R. Miller  
Martin J. Sweeney

Received.  
Without objection, Appointment  
approved. Yeas 19. Nays 0.

**File No. 157-10-T.**

February 8, 2010

To the Honorable Council of the  
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appoint-  
ment Committee's consideration of  
the Mayor's Appointment to the  
Housing Advisory Board.

We have before us the Mayor's  
Letter wherein he names his ap-  
pointment to the Housing Advisory  
Board:

Keith Sutton  
Reappointment - Term expires on  
February 28, 2012

The Mayor's Appointment Com-  
mittee hereby recommends that  
Council approve the appointment as  
stated above.

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment  
approved. Yeas 19. Nays 0.

**File No. 157-10-U.**

February 8, 2010

To the Honorable Council of the  
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appoint-  
ment Committee's consideration of  
the Mayor's Appointment to the  
Housing Advisory Board.

We have before us the Mayor's  
Letter wherein he names his ap-  
pointment to the Housing Advisory  
Board:

Eric Wobser  
Reappointment - Term expires on  
February 28, 2012

The Mayor's Appointment Com-  
mittee hereby recommends that  
Council approve the appointment as  
stated above.

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment  
approved. Yeas 19. Nays 0.

**File No. 157-10-V.**

February 8, 2010

To the Honorable Council of the  
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appoint-  
ment Committee's consideration of  
the Mayor's Appointment to the  
Landmarks Commission.

We have before us the Mayor's  
Letter wherein he names his ap-  
pointment to the Landmarks Com-  
mission:

Thomas Coffey  
Reappointment - Term expires on  
December 31, 2013

The Mayor's Appointment Com-  
mittee hereby recommends that  
Council approve the appointment as  
stated above.

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment  
approved. Yeas 19. Nays 0.

**File No. 157-10-W.**

February 8, 2010

To the Honorable Council of the  
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appoint-  
ment Committee's consideration of  
the Mayor's Appointment to the  
Landmarks Commission.

We have before us the Mayor's  
Letter wherein he names his ap-  
pointment to the Landmarks Com-  
mission:

William Mason  
Reappointment - Term expires on  
December 13, 2013

The Mayor's Appointment Com-  
mittee hereby recommends that  
Council approve the appointment as  
stated above.

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment  
approved. Yeas 19. Nays 0.

**File No. 157-10-X.**

February 8, 2010

To the Honorable Council of the  
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appoint-  
ment Committee's consideration of

the Mayor's Appointment to the Cit-  
izens Industrial Air Pollution Advi-  
sory Committee.

We have before us the Mayor's  
Letter wherein he names his ap-  
pointment to the Citizens Industrial  
Air Pollution Advisory Committee:

Jason Bristol  
Reappointment - Term expires on  
March 10, 2011

The Mayor's Appointment Com-  
mittee hereby recommends that  
Council approve the appointment as  
stated above.

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment  
approved. Yeas 19. Nays 0.

**File No. 157-10-Y.**

February 8, 2010

To the Honorable Council of the  
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appoint-  
ment Committee's consideration of  
the Mayor's Appointment to the Cit-  
izens Industrial Air Pollution Advi-  
sory Committee.

We have before us the Mayor's  
Letter wherein he names his ap-  
pointment to the Citizens Industrial  
Air Pollution Advisory Committee:

Elvin Vauss, Jr.  
Reappointment - Term expires on  
March 10, 2011

The Mayor's Appointment Com-  
mittee hereby recommends that  
Council approve the appointment as  
stated above.

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment  
approved. Yeas 19. Nays 0.

**File No. 157-10-Z.**

February 8, 2010

To the Honorable Council of the  
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appoint-  
ment Committee's consideration of  
the Mayor's Appointment to the Cit-  
izens Industrial Air Pollution Advi-  
sory Committee.

We have before us the Mayor's  
Letter wherein he names his ap-  
pointment to the Citizens Industrial  
Air Pollution Advisory Committee:

Christianne Trepal  
Reappointment - Term expires on  
March 10, 2011

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-AA.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

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

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

Jim Apicella  
Reappointment - Term expires on  
March 10, 2011

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

Mayor's Appointment Committee

T. J. Dow, Chair  
Phyllis Cleveland  
Kevin Kelley

Eugene R. Miller  
Martin J. Sweeney

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**File No. 157-10-BB.**

February 8, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the City Audit Commission.

We have before us the Mayor's Letter wherein he names his appointment to the City Audit Commission:

Yvette Ittu  
New Appointment - Term expires on  
March 1, 2013

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

Mayor's Appointment Committee

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

Received.  
Without objection, Appointment approved. Yeas 19. Nays 0.

**OATH OF OFFICE**

**File No. 179-10.**  
From John D. Mahone - Interim Director - Department of Consumer Affairs. Received.

**File No. 180-10.**  
From Nycole D. West - Interim Director - Department of Personnel and Human Resources. Received.

**FROM DEPARTMENT OF LIQUOR CONTROL**

**File No. 181-10.**

Re: #7146923 - D5, D6 Transfer of Location Application - RG Caddy, LLC., d.b.a. Caddyshack Lounge, 668 Euclid Avenue, Unit 8P. (Ward 3). Received.

**File No. 182-10.**

Re: #8651505 - D5, D6 Transfer of Ownership Application - Struga, Inc., d.b.a. Sin Nite Club, 1296 West 6th Street and Patio (Ward 3). Received.

**CONDOLENCE RESOLUTION**

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

**Res. No. 173-10** - Carmen A. Paponetti.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 183-10** - Geraldine Hunter.

**Res. No. 184-10** - Vietnamese Community in Cleveland (Vietnamese New Year).

**Res. No. 185-10** - Cleveland Jazz Orchestra and Cleveland

**RECOGNITION RESOLUTIONS**

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

**Res. No. 186-10** - Faith Community United Credit Union.

**Res. No. 187-10** - John H. Richardson.

**WELCOME RESOLUTIONS**

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

**Res. No. 188-10** - Women in Worship Choir.

**FIRST READING EMERGENCY ORDINANCE REFERRED**

**Ord. No. 158-10.**

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

**An emergency ordinance to make appropriations and provide current expenses for the daily operation of all municipal departments of the City of Cleveland for the fiscal year from January 1, 2010 until December 31, 2010.**

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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2010, the following sums be and they are hereby appropriated viz:

The sum of Five Hundred Ten Million, Four Hundred Forty One Thousand, Nine Hundred Ninety One Dollars (\$510,441,991) from the General Fund;

The sum of Fifty Three Million, Five Hundred Eighty Three Thousand, Three Hundred Ninety Six Dollars (\$53,583,396) from the Special Revenue Funds;

The sum of Twenty Seven Million, Two Hundred Twenty Six Thousand, Nine Hundred Fifty One Dollars (\$27,226,951) from the Internal Service Funds;

The sum of Six Hundred Forty Seven Million, Seven Hundred Twenty One Thousand, Two Hundred Eighty Three Dollars (\$647,721,283) from the Enterprise Funds;

The sum of Ten Million, One Hundred Twenty Six Thousand, Seven Hundred Sixty Two Dollars (\$10,126,762) from the Trust and Agency Funds;

The sum of Sixty Two Million, Four Hundred Eleven Thousand, Three Hundred Twenty Seven Dollars (\$62,411,327) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified in the aggregate amount for each department as follows:

**GENERAL FUND**

Legislative Branch	\$	6,263,014
Judicial Branch		40,312,220
Executive Branch		
General Government		7,705,947
Department of Aging		864,052
Department of Personnel		1,652,803
Department of Consumer Affairs		316,104
Department of Law		8,244,483
Department of Finance		13,331,185
Department of Port Control		242,708
Department of Public Service		35,154,368
Department of Public Health		5,747,791
Department of Public Safety		303,296,063
Department of Parks, Recreation and Properties		36,748,966
Department of Building and Housing		9,362,613
Department of Economic Development		1,288,639
Nondepartmental		39,911,035
TOTAL EXECUTIVE BRANCH	\$	463,866,757
TOTAL GENERAL FUND	\$	510,441,991
Special Revenue Funds	\$	53,583,396
Internal Service Funds		27,226,951
Enterprise Funds		647,721,283
Trust and Agency Funds		10,126,762
Debt Service Funds		62,411,327
TOTAL APPROPRIATIONS FOR 2010	\$	1,311,511,710

**GENERAL FUND****LEGISLATIVE BRANCH**

Council and Clerk of Council	\$	6,263,014
I. Personnel and Related Expenses	\$	4,586,639
II. Other Expenses		1,676,375
TOTAL LEGISLATIVE BRANCH	\$	6,263,014

**JUDICIAL BRANCH**

Municipal Court - Judicial Division	\$	22,634,366
I. Personnel and Related Expenses	\$	20,072,417
II. Other Expenses		2,561,949
Municipal Court - Clerk's Division	\$	14,381,653
I. Personnel and Related Expenses	\$	9,095,356
II. Other Expenses		5,286,297
Municipal Court - Housing Division	\$	3,296,201
I. Personnel and Related Expenses	\$	3,137,393
II. Other Expenses		158,808
TOTAL JUDICIAL BRANCH	\$	40,312,220

## EXECUTIVE BRANCH

## GENERAL GOVERNMENT

Office of the Mayor		\$	2,281,509
I. Personnel and Related Expenses	\$	2,144,245	
II. Other Expenses		137,264	
Landmarks Commission		\$	175,990
I. Personnel and Related Expenses	\$	171,557	
II. Other Expenses		4,433	
Board of Building Standards and Appeals		\$	115,411
I. Personnel and Related Expenses	\$	108,169	
II. Other Expenses		7,242	
Board of Zoning Appeals		\$	197,675
I. Personnel and Related Expenses	\$	185,515	
II. Other Expenses		12,160	
Civil Service Commission		\$	948,664
I. Personnel and Related Expenses	\$	545,991	
II. Other Expenses		402,673	
Community Relations Board		\$	1,162,272
I. Personnel and Related Expenses	\$	1,081,477	
II. Other Expenses		80,795	
City Planning Commission		\$	1,513,347
I. Personnel and Related Expenses	\$	1,437,019	
II. Other Expenses		76,328	
Boxing and Wrestling Commission		\$	5,696
I. Personnel and Related Expenses	\$	5,696	
Office of Equal Opportunity		\$	543,417
I. Personnel and Related Expenses	\$	518,676	
II. Other Expenses		24,741	
Office of Budget & Management-Budget Admin.		\$	761,966
I. Personnel and Related Expenses	\$	595,988	
II. Other Expenses		165,978	
			-----
TOTAL GENERAL GOVERNMENT		\$	7,705,947
			=====

## DEPARTMENT OF AGING

Department of Aging		\$	864,052
I. Personnel and Related Expenses	\$	734,825	
II. Other Expenses		129,227	
			-----
TOTAL DEPARTMENT OF AGING		\$	864,052
			=====

## DEPARTMENT OF PERSONNEL

Office of Personnel		\$	1,652,803
I. Personnel and Related Expenses	\$	1,064,453	
II. Other Expenses		588,350	
			-----
TOTAL DEPARTMENT OF PERSONNEL		\$	1,652,803
			=====

## DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affair		\$	316,104
I. Personnel and Related Expenses	\$	274,712	
II. Other Expenses		41,392	
			-----
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$	316,104
			=====

## DEPARTMENT OF LAW

Division of Law		\$	8,244,483
I. Personnel and Related Expenses	\$	6,449,919	
II. Other Expenses		1,794,564	

TOTAL DEPARTMENT OF LAW		\$	8,244,483
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## DEPARTMENT OF FINANCE

Finance Administration		\$	842,493
I. Personnel and Related Expenses	\$	777,987	
II. Other Expenses		64,506	

Division of Accounts		\$	1,892,683
I. Personnel and Related Expenses	\$	1,261,239	
II. Other Expenses		631,444	

Division of Assessments and Licenses		\$	3,208,644
I. Personnel and Related Expenses	\$	2,296,933	
II. Other Expenses		911,711	

Division of Treasury		\$	661,962
I. Personnel and Related Expenses	\$	574,575	
II. Other Expenses		87,387	

Division of Purchases and Supplies		\$	549,510
I. Personnel and Related Expenses	\$	514,810	
II. Other Expenses		34,700	

Bureau of Internal Audit		\$	940,421
I. Personnel and Related Expenses	\$	568,382	
II. Other Expenses		372,039	

Division of Financial Reporting and Control		\$	1,334,116
I. Personnel and Related Expenses	\$	1,301,295	
II. Other Expenses		32,821	

Information Systems Services		\$	3,729,007
I. Personnel and Related Expenses	\$	2,099,075	
II. Other Expenses		1,629,932	

Information Tech & Planning		\$	172,349
I. Personnel and Related Expenses	\$	155,862	
II. Other Expenses		16,487	

TOTAL DEPARTMENT OF FINANCE		\$	13,331,185
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## DEPARTMENT OF PORT CONTROL

Division of Harbors		\$	242,708
I. Personnel and Related Expenses	\$	93,408	
II. Other Expenses		149,300	

TOTAL DEPARTMENT OF PORT CONTROL		\$	242,708
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## DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$	400,519
I. Personnel and Related Expenses	\$	374,874	
II. Other Expenses		25,645	

Division of Architecture		\$	550,061
I. Personnel and Related Expenses	\$	522,306	
II. Other Expenses		27,755	

Division of Waste Collection and Disposal		\$	25,572,851
I. Personnel and Related Expenses	\$ 15,126,083		
II. Other Expenses	10,446,768		
Division of Engineering and Construction		\$	4,740,395
I. Personnel and Related Expenses	\$ 4,263,491		
II. Other Expenses	476,904		
Division of Traffic Engineering		\$	3,890,542
I. Personnel and Related Expenses	\$ 2,897,744		
II. Other Expenses	992,798		
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$	35,154,368

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$	833,161
I. Personnel and Related Expenses	\$ 573,549		
II. Other Expenses	259,612		
Division of Health		\$	3,271,603
I. Personnel and Related Expenses	\$ 1,947,546		
II. Other Expenses	1,324,057		
Division of Environment		\$	1,215,816
I. Personnel and Related Expenses	\$ 1,004,773		
II. Other Expenses	211,043		
Division of Air Quality		\$	427,211
I. Personnel and Related Expenses	\$ 145,711		
II. Other Expenses	281,500		
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$	5,747,791

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$	3,418,827
I. Personnel and Related Expenses	\$ 2,328,111		
II. Other Expenses	1,090,716		
Division of Police		\$	173,671,754
I. Personnel and Related Expenses	\$165,101,714		
II. Other Expenses	8,570,040		
Division of Fire		\$	88,998,379
I. Personnel and Related Expenses	\$ 86,147,915		
II. Other Expenses	2,850,464		
Division of Emergency Medical Services		\$	21,429,594
I. Personnel and Related Expenses	\$ 19,133,156		
II. Other Expenses	2,296,438		
Division of Dog Pound		\$	1,020,408
I. Personnel and Related Expenses	\$ 775,675		
II. Other Expenses	244,733		
Division of Correction		\$	14,757,101
I. Personnel and Related Expenses	\$ 11,339,732		
II. Other Expenses	3,417,369		
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$	303,296,063

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$	695,199
I. Personnel and Related Expenses	\$ 549,986		
II. Other Expenses	145,213		

Division of Research, Planning, and Development		\$	740,215
I. Personnel and Related Expenses	\$	664,066	
II. Other Expenses		76,149	
Division of Recreation		\$	13,059,387
I. Personnel and Related Expenses	\$	9,189,927	
II. Other Expenses		3,869,460	
Division of Parking Facilities-On Street		\$	1,257,615
I. Personnel and Related Expenses	\$	1,197,750	
II. Other Expenses		59,865	
Division of Property Management		\$	8,464,567
I. Personnel and Related Expenses	\$	5,653,486	
II. Other Expenses		2,811,081	
Division of Park Maintenance and Properties		\$	12,531,983
I. Personnel and Related Expenses	\$	7,987,606	
II. Other Expenses		4,544,377	
			-----
TOTAL DEPT. OF PARKS, REC., AND PROPERTIES		\$	36,748,966
			=====

## DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir Office		\$	1,799,076
I. Personnel and Related Expenses	\$	1,512,501	
II. Other Expenses		286,575	
Division of Code Enforcement		\$	6,005,887
I. Personnel and Related Expenses	\$	5,831,335	
II. Other Expenses		174,552	
Division of Construction Permit		\$	1,557,650
I. Personnel and Related Expenses	\$	1,539,995	
II. Other Expenses		17,655	
			-----
TOTAL DEPARTMENT OF BUILDING AND HOUSING		\$	9,362,613
			=====

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$	1,288,639
I. Personnel and Related Expenses	\$	1,224,726	
II. Other Expenses		63,913	
			-----
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		\$	1,288,639
			=====

## NONDEPARTMENTAL

County Auditor Deductions		\$	2,436,175
II. Other Expenses	\$	2,436,175	
Other Administrative		\$	19,099,637
II. Other Expenses	\$	19,099,637	
Transfers to Other Funds		\$	18,375,223
II. Other Expenses	\$	18,375,223	
			-----
TOTAL NONDEPARTMENTAL		\$	39,911,035
			=====
TOTAL EXECUTIVE BRANCH		\$	463,866,757
			=====
TOTAL GENERAL FUND		\$	510,441,991
			=====

## SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$	32,917,751
I. Capital	\$	8,142,916	
II. Debt Service		24,774,835	
Street Construction, Maintenance & Repair Fund		\$	19,665,645
I. Personnel and Related Expenses	\$	13,592,156	
II. Other Expenses		6,073,489	
Schools Recreation & Cultural Activities Fund		\$	1,000,000
II. Other Expenses	\$	1,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$	53,583,396

## INTERNAL SERVICE FUND

Information Systems Services-Telephone Exchange		\$	6,466,898
I. Personnel and Related Expenses	\$	1,129,075	
II. Other Expenses		5,337,823	
Division of Motor Vehicle Maintenance		\$	17,418,449
I. Personnel and Related Expenses	\$	5,830,933	
II. Other Expenses		11,587,516	
Division of Printing and Reproduction		\$	2,468,496
I. Personnel and Related Expenses	\$	863,054	
II. Other Expenses		1,605,442	
City Storeroom and Central Warehouse		\$	873,108
I. Personnel and Related Expenses	\$	96,188	
II. Other Expenses		776,920	
TOTAL INTERNAL SERVICE FUNDS		\$	27,226,951

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$	2,563,927
I. Personnel and Related Expenses	\$	1,976,716	
II. Other Expenses		587,211	
Radio		\$	1,974,855
I. Personnel and Related Expenses	\$	417,065	
II. Other Expenses		1,557,790	
Division of Fiscal Control		\$	3,274,428
I. Personnel and Related Expenses	\$	2,888,100	
II. Other Expenses		386,328	
Division of Water		\$	262,912,973
I. Personnel and Related Expenses	\$	79,498,526	
II. Other Expenses		183,414,447	
Division of Water Pollution Control		\$	22,725,965
I. Personnel and Related Expenses	\$	10,588,455	
II. Other Expenses		12,137,510	
Division of Cleveland Public Power		\$	170,214,862
I. Personnel and Related Expenses	\$	28,251,992	
II. Other Expenses		141,962,870	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$	463,667,010

## DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront		\$	148,949,943
Airports - Operations			
I. Personnel and Related Expenses	\$	28,063,744	
II. Other Expenses		120,886,199	
TOTAL DEPARTMENT OF PORT CONTROL		\$	148,949,943

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Cemeteries		\$ 1,755,189
I. Personnel and Related Expenses	\$ 1,278,247	
II. Other Expenses	476,942	
Golf Course Funds		\$ 1,797,088
I. Personnel and Related Expenses	\$ 985,151	
II. Other Expenses	811,937	
Division of Parking Facilities-Off Street Parking		\$ 10,324,163
I. Personnel and Related Expenses	\$ 1,140,590	
II. Other Expenses	9,183,573	
Division of Convention Center		\$ 4,643,302
I. Personnel and Related Expenses	\$ 1,819,746	
II. Other Expenses	2,823,556	
Division of Convention Center & Stadium- West Side Market		\$ 1,078,780
I. Personnel and Related Expenses	\$ 368,152	
II. Other Expenses	710,628	
Division of Convention Center & Stadium-Stadium		\$ 15,465,808
II. Other Expenses	\$ 15,465,808	
Division of Property Management - East Side Market		\$ 40,000
II. Other Expenses	\$ 40,000	
TOTAL DEPT. OF PARKS, REC., AND PROPERTIES		\$ 35,104,330
		=====
TOTAL ENTERPRISE FUNDS		\$ 647,721,283
		=====
AGENCY FUND		
Central Collection Agency		\$ 10,126,762
I. Personnel and Related Expenses	\$ 6,218,304	
II. Other Expenses	3,908,458	
TOTAL AGENCY FUND		\$ 10,126,762
		=====
DEBT SERVICE FUND		
Sinking Fund Commission		\$ 62,411,327
I. Personnel and Related Expenses	\$ 175,176	
II. Other Expenses	423,568	
III. Debt Service	61,812,583	
TOTAL DEBT SERVICE FUNDS		\$ 62,411,327
		=====

**Section 2.** That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 2009 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2010 or prior years. The Mayor's Estimate, File No 158-10-A as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2010 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

**Section 3.** That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

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

**Ord. No. 159-10.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of building materials and used paving bricks, for the various divisions of City government, for the period of one year, with one option to renew exercisable by the Director of Finance.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for period of one year, with one option to renew exercisable by the Director of Finance, of the necessary items of building materials and used paving bricks, 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 City government, Department of Finance. 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 the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL RQN-1505-RL-2010-2)

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 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 Finance, Law; Committee on Finance.

**Ord. No. 160-10.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, parts, and supplies necessary for the electrical maintenance of facilities, including labor when necessary, and for high and medium voltage testing equipment and safety equipment, for the various divisions of City government, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.**

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

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

**Section 1.** That the Director of Finance 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 two-year term, with two one-year options to renew, of the necessary items of materials, parts, and supplies necessary for the electrical maintenance of facilities, including labor when necessary, and for high and medium voltage testing equipment and safety equipment, 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 City government. 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 Finance, 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 the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL RQN-1505-RL-2010-3)

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 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 Finance, Law; Committee on Finance.

**Ord. No. 161-10.**

**Council Members Cleveland, Mitchell, Miller and Sweeney (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 reconstruction of Bessemer Avenue from West of East 87th Street to just south of Union Avenue; authorizing the Director of Public Service to enter into any relative agreements.**

Whereas, under Ordinance No. 1666-04, passed November 8, 2004, as amended by Ordinance No. 1270-09, passed September 14, 2009, this Council authorized the Director of Public Service to enter into a Local Project Administration Agreement with the Ohio Department of Transportation regarding the Bessemer Avenue Extension Phase II Project; and

Whereas, those ordinances also authorized a professional services contract with ARCADIS FPS, Inc. for preliminary engineering, the public improvement, right-of-way acquisition, and authority to accept cash contributions from private utility companies and the NEORS, if necessary, for costs associated with the improvement and to enter into agreements; and

Whereas, the City wishes to cooperate with the State in making this improvement; 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 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: reconstruction of Bessemer Avenue from West of East 87th Street to just south of Union Avenue (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, including preliminary engineering and environmental documentation, and right-of-way acquisition, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. 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 to be eligible or made necessary by the Improvement.

**Section 3.** That the Director of Public Service 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.** (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 Director of Public Service will arrange for its acquisition.

(c) 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.

(d) 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 or the State.

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

**Section 5.** That upon completion of the Improvement, and unless otherwise agreed, the City shall:

(a) provide adequate maintenance of the Improvement under all applicable state and federal laws, including, but not limited to, 213 USC 116;

(b) provide ample financial provisions, as necessary, for the maintenance of the Improvement;

(c) maintain the right-of-way keeping it free of obstructions; and

(d) hold the right-of-way inviolate for public highway purposes.

**Section 6.** 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 the State and to assist the State in rating the consultant's performance through ODOT's Consultant Evaluation System.

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

**Section 8.** That the Director of Public Service is authorized to enter into an agreement with the State concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

(a) That the State will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current State standards for construction of State roads and bridges.

(b) That the State will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division (a) of this section, and make an inspection of the completed project.

(c) That if, by ordinance of this Council, the City requests the State, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the State will do so, provided that the construction of the additional items are approved by the State and the City, and provided further that the City agrees to pay or cause to be paid the cost of the additional construction and of preliminary and design engineering, but the City shall not be responsible for the cost of supervision of the additional construction.

(d) That if the Improvement is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the funds.

(e) That within the corporate limits of the City, the City agrees to contribute 100% of the cost of construction, construction supervision, right-of-way, and incidentals and 100% of the cost of preparation of plans and specifications. That the City agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the Improvement or the Director of Public Service is authorized to enter into an escrow agreement with the State prior to an award of a contract for the Improvement.

**Section 9.** 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 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 162-10.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the 2010 Cleveland Team Approach to Domestic Violence; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program.**

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

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

**Section 1.** That the Director of Law is authorized to apply for and accept a grant in the approximate amount of \$115,108, and any other funds that may become available during the grant term, from the Criminal Justice Service Agency, to conduct the 2010 Cleveland Team Approach to Domestic Violence, for the purposes set forth in the application and according thereto; that the Director of Law is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

**Section 2.** That the application for the grant, File No. 162-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$38,369.33, from Fund No. 01-1001-6397, is approved in all respects.

**Section 3.** That the Director of Law is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with other entities to implement the program as described in the file.

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

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

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

**Ord. No. 163-10.**  
**By Council Members K. Johnson, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a non-disturbance and estoppel agreement with the Cleveland Museum of Natural History and the Ohio Cultural Facilities Commission relating to a grant for the improvement of the Museum's planetarium.**

Whereas, the Cleveland Museum of Natural History (the "Museum") wishes to accept a grant from the Ohio Cultural Facilities Commission ("OCFC") for improvements to the Museum's planetarium; and

Whereas, as a condition of receiving the grant, the OCFC requires that the Museum enter into a Cooperative Use Agreement which grants the OCFC certain rights with respect to the improvements; and

Whereas, the City of Cleveland has entered into a long-term lease of land to the Museum for its operation, including the operation of the planetarium; and

Whereas, because Cleveland owns the land on which the Museum is located, the OCFC has asked that all three parties enter into a non-disturbance and estoppel agreement wherein the City agrees to notify the OCFC of any default under the lease and agrees to other representations regarding the Museum's compliance with the lease; 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 Parks, Recreation and Properties is authorized to enter into a non-disturbance and estoppel agreement with the Cleveland Museum of Natural History and the Ohio Cultural Facilities Commission relating to a grant from the OCFC for the improvement of the Museum's planetarium, containing such terms and conditions as are acceptable to the Director of Law.

**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 Parks, Recreation, and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Properties, and Recreation, City Planning, Finance.

**Ord. No. 164-10.**  
**By Council Members Miller, Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the United States Environmental Protection Agency for the Environmental Justice Small Grant**

**Program; and authorizing the Director to enter into one or more contracts with Famicos Foundation and Collinwood and Nottingham Villages Development Corporation, or their designees, 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 Economic Development is authorized to apply for and accept a grant in an amount up to \$25,000, from the United States Environmental Protection Agency to administer the Environmental Justice Small Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below.

**Section 2.** That the executive summary for the grant, File No. 164-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts with Famicos Foundation and Collinwood and Nottingham Villages Development Corporation, or their designees, to implement the grant as described in the file.

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

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

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

**Ord. No. 165-10.**  
**By Council Members Mitchell, Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into contract with the Cleveland Clinic Foundation, or its designee, to provide economic development assistance to partially finance the construction of the Global Cardiovascular Innovation Center and other associated costs necessary to redevelop the 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 Director of Economic Development is authorized to enter into one or more various types of loan agreements and forgivable loans under the Vacant Property Initiative with the Cleveland Clinic Foundation, or its designee, to provide economic development assistance to partially finance the construction of the Global Cardiovascular Innovation Center and other associated costs necessary to redevelop the property.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 165-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the costs of any funding under this ordinance, including forgivable and nonforgivable portions, shall not exceed \$1,250,000, and shall be paid from Fund No. 17 SF 008, Request No. RQS-9501-RL-2010-13.

**Section 4.** That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

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

**Section 6.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

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

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

**Ord. No. 166-10.**  
**By Council Members Cimperman, Brancatelli, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into contract with 25th Street Partnership LLC, or its designee, to provide economic development assistance to partially finance the construction and renovation of property located at 1947 West 25th Street and other associated costs necessary to redevelop the property.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into one or more various types of loan agreements and forgivable loans under the Vacant Property Initiative with 25th Street Partnership LLC, or its designee, to provide economic development assistance to partially finance the construction and renovation of property located at 1947 West 25th Street and other associated costs necessary to redevelop the property.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 166-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the costs of any funding under this ordinance, including forgivable and nonforgivable portions, shall not exceed \$320,000, and shall be paid from Fund No. 10 SF 501, Request No. RQS-9501-RL-2010-14.

**Section 4.** That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 10 SF 502.

**Section 6.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 167-10.

By Council Member Miller.

An ordinance establishing the Euclid-Green Design Review District (Map Change No. 2296, Sheet No. 7).

Whereas, the City Planning Commission has determined that the proposed Design Review District meets the criteria for designation contained in Section 341.04 (a) of Chapter 341 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, now, therefore

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

Section 1. That the Euclid-Green Design Review District is hereby established and includes the areas shown on the map attached.

Section 2. That the designation of the area described in Section 1 hereof as the Euclid-Green Design Review District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

# EUCLID-GREEN DESIGN REVIEW DISTRICT



**NEW DESIGN REVIEW DISTRICT**

Referred to Directors of City Planning, Law; Committee on City Planning.

**Ord. No. 168-10.**

**By Council Member Miller.**

**An ordinance establishing the East 140th Lake Shore Design Review District (Map Change No. 2293, Sheet No. 7).**

Whereas, the City Planning Commission has determined that the proposed Design Review District meets the criteria for designation contained in Section 341.04 (a) of Chapter 341 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, now, therefore

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

**Section 1.** That the East 140th Lake Shore Design Review District is hereby established and includes the areas shown on the map attached.

**Section 2.** That the designation of the area described in Section 1 hereof as the East 140th Lake Shore Design Review District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

## EAST 140TH LAKE SHORE DESIGN REVIEW DISTRICT



 **NEW DESIGN REVIEW DISTRICT**

Referred to Directors of City Planning, Law; Committee on City Planning.

**Ord. No. 169-10.**

**By Council Member Miller.**

**An ordinance establishing the Three Points Design Review District (Map Change No. 2294, Sheet No. 7 and 8).**

Whereas, the City Planning Commission has determined that the proposed Design Review District meets the criteria for designation contained in Section 341.04 (a) of Chapter 341 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, now, therefore

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

**Section 1.** That the Three Points Design Review District is hereby established and includes the areas shown on the map attached.

**Section 2.** That the designation of the area described in Section 1 hereof as the Three Points Design Review District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

# THREE POINTS DESIGN REVIEW DISTRICT



 **NEW DESIGN REVIEW DISTRICT**

Referred to Directors of City Planning, Law; Committee on City Planning.

**Ord. No. 170-10.**

**By Council Member Miller.**

**An ordinance establishing the Five Points Design Review District (Map Change No. 2295, Sheet No. 7).**

Whereas, the City Planning Commission has determined that the proposed Design Review District meets the criteria for designation contained in Section 341.04 (a) of Chapter 341 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, now, therefore

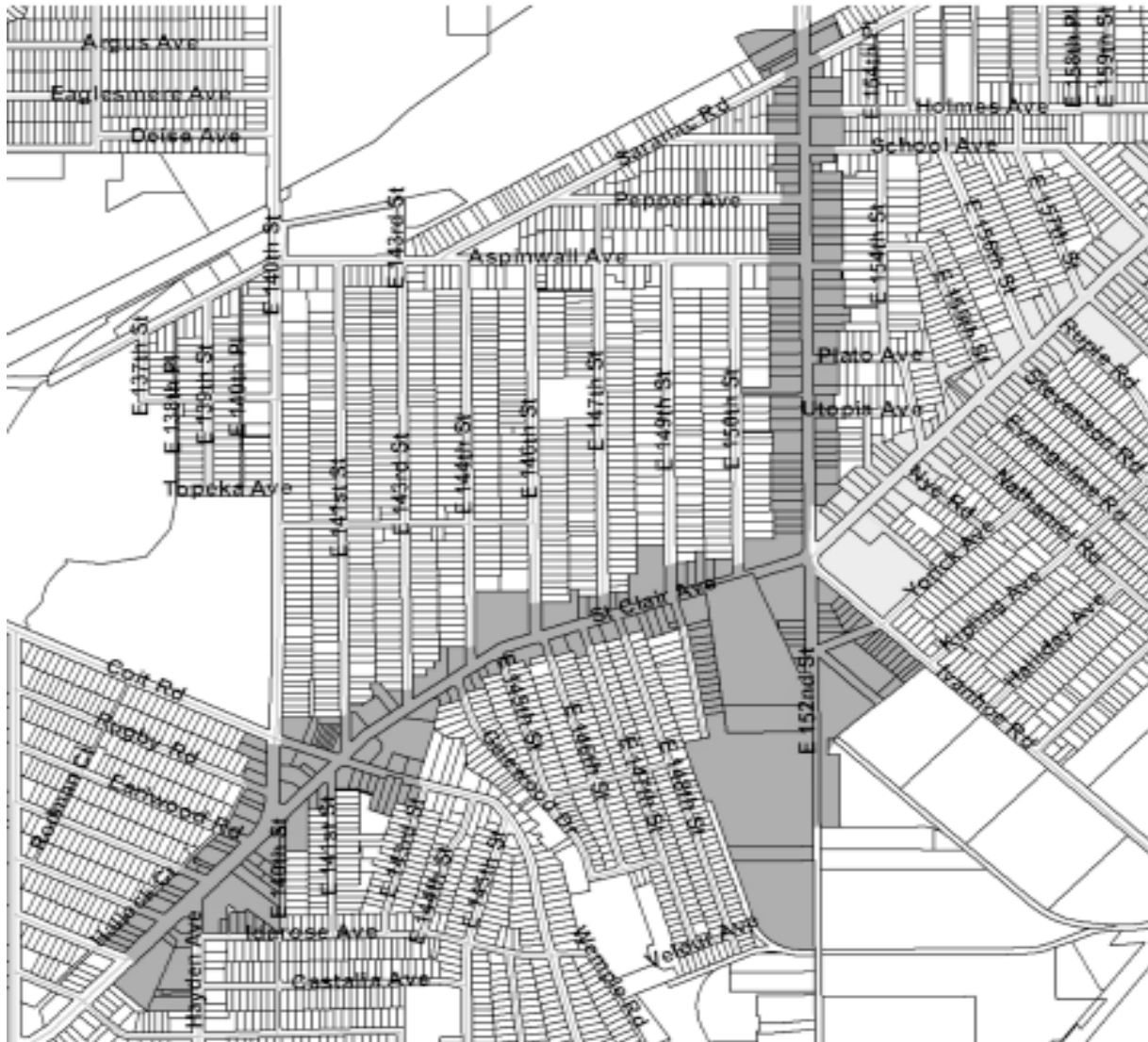
Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Five Points Design Review District is hereby established and includes the areas shown on the map attached.

**Section 2.** That the designation of the area described in Section 1 hereof as the Five Points Design Review District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

# FIVE POINTS DESIGN REVIEW DISTRICT



- NEW DESIGN REVIEW DISTRICT**
- EXISTING DESIGN REVIEW DISTRICT**

Referred to Directors of City Planning, Law; Committee on City Planning.

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

**Ord. No. 171-10.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into contract with Mita Marketing LLC for professional services to assist Cleveland City Council with communications, staff training, and public relations.**

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 hereby authorized to enter into a contract with Mita Marketing LLC for professional services to assist Cleveland City Council with communications, staff training, and public relations, for a period beginning in January 2010 and concluding December 31, 2010.

**Section 2.** That the cost of said contract shall not exceed \$45,900 and shall be payable from Fund 01, Subfund 001, Account 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.

**Ord. No. 172-10.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the 22nd Annual Walk for Hunger, on May 8, 2010, to benefit the Hunger Network of Greater Cleveland.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 22nd Annual Walk for Hunger, to benefit the Hunger Network of Greater Cleveland, on May 8, 2010, with the Walk beginning at Burke Lakefront Airport and progressing to Erieside, around the Browns Stadium, south on West 3rd, west on St. Clair, south on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on East 9th to Superior, west on Superior to Mall, cross the Mall to Lakeside, east on Lakeside to East 9th, north on East 9th to North Coast Harbor to the finish line, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may

be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**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. 174-10.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 25-1 of the Charter of the City of Cleveland relating to reapportionment of wards.**

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the special election to be held on May 4, 2010, and providing for the usual daily operation of municipal departments; now therefore

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

**Section 1.** That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on Tuesday, May 4, 2010, of a proposal to amend the Charter of the City of Cleveland by amending existing Section 25-1 to read as follows:

**§ 25-1 Reapportionment of Wards**

Commencing with the Federal census decennially taken in the closest proximity to January 1, 2010, and following each subsequent Federal decennial census, the Council **no later than April 1 prior to the next regular municipal election** shall reapportion the wards of the City, provided however that if the proclamation **by the Secretary of State stating the population of cities in Ohio as determined by any such Federal census** occurs in any year when the City conducts a regular Municipal election and the proclamation of the Secretary of State occurs less than 120 days before the date for filing nominating petitions for the election under Charter Section 8, the reapportionment of wards under this section shall be effective **by no later than April 1 prior to the next regular Municipal election** four years thereafter and for all subsequent elections for City offices until the next decennial Federal census. The number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the following table that reflects a ratio of one ward for

every 25,000 people based on the estimated population figure contained in the proclamation of the Secretary of State:

If the City's population is:

The City shall be divided into the following number of wards:

More than 575,000.....	25
575,000 or less but more than 525,000.....	23
525,000 or less but more than 475,000.....	21
475,000 or less but more than 425,000.....	19
425,000 or less but more than 375,000.....	17
375,000 or less but more than 325,000.....	15
325,000 or less but more than 275,000.....	13
275,000 or less .....	11

The wards so formed shall be as nearly equal in population as may be, composed of contiguous and compact territory, and bound by natural boundaries and street lines.

If the Council fails to reapportion the wards **by the dates** herein provided, the Mayor shall within fifteen business days thereafter submit to Council a plan for the reapportionment of the wards. The Council shall within ten business days after receiving the Mayor's plan, reapportion the wards as herein provided. If the Council does not reapportion the wards within this latter ten business day period, the reapportionment plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as herein provided.

**Section 2.** That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the May 4, 2010, special election, shall become effective immediately on its adoption.

**Section 3.** That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

**Section 4.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on May 4, 2010, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

**Section 5.** That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the special election to be held on May 4, 2010, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

**Section 6.** That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT  
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Section 25-1 of the Charter of the City of Cleveland be amended to provide that following any Federal census, the Council shall reapportion City wards by no later than April 1 prior to the next regular municipal election, provided that if the proclamation by the Secretary of State stating the population of Ohio cities under any such census occurs less than 120 days before the date for filing nominating petitions for a City election, the Council shall reapportionment wards by no later than April 1 prior to the next regular Municipal election four years thereafter?

**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.

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. 175-10.**

**By Council Member Sweeney.**  
**An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 200-1 of the Charter of the City of Cleveland relating to the Charter Review Commission.**

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the special election to be held on May 4, 2010, and providing for the usual daily operation of municipal departments; now therefore

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

**Section 1.** That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on Tuesday, May 4, 2010, of a proposal to amend the Charter of the City of Cleveland by amending existing Section 200-1 to read as follows:

**§ 200-1 Charter Review Commission**

Not later than the first day of February in the year 2018 and of each succeeding tenth year thereafter, the Council shall provide for the selection of a Charter Review Commission and shall appropriate adequate funds for a comprehensive review of the existing Charter provisions.

The Charter Review Commission shall consist of fifteen electors of the City of Cleveland appointed or elected in the manner prescribed by ordinance.

Within thirty days after selection the members shall meet, choose a Chairman and Secretary, and adopt rules to govern the procedure of the Commission. The Commission may

employ necessary assistants and professional services as it deems necessary, within the funds appropriated for this purpose.

Not later than one year after its organization the Charter Review Commission shall report to the Council proposed amendments to the Charter as the Commission determines to be necessary or desirable and a statement of the reasons for submitting the proposed amendments to the electors; or that no changes in the Charter are required or desired.

Upon receipt of the report of the Charter Review Commission setting forth any proposed amendment or amendments to the Charter, the Council shall determine by ordinance whether the proposed amendment or amendments shall be submitted to the electors of the City of Cleveland in the manner provided and governed by the provisions of Section 200 and in conformity with Section 9 of Article XVIII, of the Ohio Constitution.

**Section 2.** That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the May 4, 2010, special election, shall become effective immediately on its adoption.

**Section 3.** That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

**Section 4.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on May 4, 2010, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

**Section 5.** That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the special election to be held on May 4, 2010, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

**Section 6.** That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT  
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Section 200-1 of the Charter of the City of Cleveland be amended to provide that by no later than the first day of February of 2018 and of each succeeding 10th year thereafter, the City Council shall provide for the selection of a Charter Review Commission; the Commission shall report any proposed Charter amendments to the Council within one year of the Commission's organization; and upon receipt of the Commission's report, the Council shall determine by ordinance whether any of the proposed amendments shall be submitted to the City's electors?

**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.

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. 176-10.**

**By Council Member Sweeney.**  
**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into an agreement with the Project Group for the professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.

The agreement shall be certified in an amount not to exceed \$250,000.00 from fund 52-001, 54-001 and/or 58-001 and such other funds as may be deemed appropriate by the Director of Finance.

**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.

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

**Res. No. 177-10.**

**By Council Member Cleveland.**  
**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3337 Central Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Pamela Hubbard, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, Permanent Number 4034257 to Eakh, LLC, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, Permanent Number 2383633; 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 inter-

ests 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 C2 and C2X Liquor Permit from Pamela Hubbard, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, Permanent Number 4034257 to Eakh, LLC, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, Permanent Number 2383633; 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. 178-10.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of stock of a D5 and D6 Liquor Permit at 1303 West 6th Street, 1st floor and basement, and repealing Resolution No. 1793-09, objecting to said transfer**

Whereas, this Council objected to the transfer of stock of a D5 and D6

Liquor Permit to 1303 West 6th Street, 1st floor and basement by Resolution No. 1793-09 adopted by the Council on December 7, 2009; and Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to Rutullan LLC & patio, 1303 West 6th Street, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 7634550 be and the same is hereby withdrawn and Resolution No. 1793-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**SECOND READING  
EMERGENCY ORDINANCES**

**Ord. No. 1784-09.**

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Leases By Way of Concession for the use of certain City-owned property known as Ninth Street Lots Nos. 9 and 10 for the use, privilege, permit, and license to operate special event parking and to collect fees in connection with special event parking, for a term of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance, when amended as follows:

1. In Section 1, strike lines 10, 11, 12, 13, 14, and 15 in their entirety and insert "exceed a term of one year, unless a Master Parking Plan is implemented before the one-year term has expired. If a Master Parking Plan is implemented, the leases that are the subject of this ordinance shall be a part of that Master Parking Plan along with all other eligible agreements and properties."

2. In the title, line 8, strike "parking," and the rest of the title and insert "parking."

Amendments agreed to.

**Ord. No. 1785-09.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with

the United States of America, acting by and through the U.S. Coast Guard for the lease of certain City-owned property known as Ninth Street Lot Nos. 9 and 10 to be used for government purposes, including parking, for the Department of Port Control, 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, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance.

**SECOND READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 184-09.**

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Leases By Way of Concession for the design, construction, development, and management of a gas station, fast food restaurant, and related amenities on selected City-owned property located near Cleveland Hopkins International Airport, for a term up to twenty years with one ten-year option to renew, exercisable by the Director of Port Control.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of City Planning Committee; Recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. In the title, lines 5 and 6; in the first whereas clause, line 3; in Section 1, line 5; and in Section 2, line 3, strike "gas station, fast food restaurant," and insert in all four places "gas station and non-fast food, full-service restaurant."

2. In the title, strike the last line and insert "exercisable through additional legislative authority."

3. In Section 1, line 8, between "City of Cleveland" and the period insert ", the terms of which were discussed in the Aviation and Transportation Committee on April 30, 2009 and are more fully described in File No. 184-09-A."

4. In Section 1, strike the last line and insert "year option to renew, exercisable through additional legislative authority. If the Leases By Way of Concession authorized in this ordinance are not executed by December 31, 2010, the authority of this ordinance shall expire and be of no force and effect."

5. In Section 3 at the end, insert "The lease or leases shall be consistent with the terms set forth in the file. The lease or leases shall provide that if the leased premises are dormant for a period of one year or more, the lease or leases shall terminate and possession of the premises shall revert to the City."

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. 905-09.**

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

An emergency ordinance determining the method of making the

public improvement of constructing additional employee parking spaces and related facilities at the Riveredge site at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of City Planning Committee; Recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. In Section 1, line 6, strike "for a gross price" and insert "upon a unit basis".

2. In Section 2, line 3, strike "for a gross price" and insert "upon a unit basis"; in lines 6 and 7, strike "for a gross price," and insert "upon a unit basis,"; and strike the remainder of the section in its entirety.

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. 1410-09.**

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 437.02, and to repeal existing Section 437.02, as amended by Ordinance No. 91-96, passed March 18, 1996, relating to requiring lighted vehicle lights at specified times and to establish the means of measuring distances and heights.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1440-09.**

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.092 relating to agreements with the State of Ohio to receive reimbursement for police training programs, for the Division of Police, Department of Public Safety.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, 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. 1591-09.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants necessary to design various energy

efficient improvements for the Department of Parks, Recreation and Properties, Public Health, and Public Safety, and to develop an energy efficiency initiative for the Department of Parks, Recreation and Properties; determining the method of making the public improvement of constructing the improvements and implementing any accepted initiatives; and authorizing the Directors of Parks, Recreation and Properties, Public Safety, and Public Health to enter into one or more public improvement contracts to construct the improvements and accepted initiatives.

Approved by Directors of Parks, Recreation and Properties, Public Safety, Public Health, Finance, Law; Recommended by Committees on Public Parks, Properties, and Recreation, Public Safety, Health and Human Services, Finance, when amended as follows:

1. In Section 2, line 6, strike "on a unit basis" and insert "for a gross price".

2. In Section 3, line 4, strike "on a unit basis" and insert "for a gross price"; and in line 7, strike "on a unit basis," and insert "for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement."

3. In Section 6, line 7, strike "on a unit basis" and insert "for a gross price".

4. In Section 7, line 3, strike "on a unit basis" and insert "for a gross price"; and in line 7, strike "on a unit basis," and insert "for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement."

5. In Section 8, line 6, strike "on a unit basis" and insert "for a gross price".

6. In Section 9, line 3, strike "on a unit basis" and insert "for a gross price"; and in line 7, strike "on a unit basis," and insert "for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement."

7. In Section 10, line 5, strike "on a unit basis" and insert "for a gross price".

8. In Section 11, line 3, strike "on a unit basis" and insert "for a gross price"; and in line 7, strike "on a unit basis," and insert "for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement."

9. Insert new Section 13 to read as follows:

"Section 13. That the cost breakdown for the projects authorized in this ordinance shall be placed in File No. 1591-09-A."

10. Renumber existing Sections 13 and 14 to new "Section 14" and "Section 15".

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. 1714-09.**

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

An emergency ordinance to amend Section 625.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 708-74, passed June 24, 1974, relating to criminal tools.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, 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. 1724-09.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Public Service facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; 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. 1755-09.**

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

An emergency ordinance to repeal Section 135.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 372-53, passed March 9, 1953, relating to working hours for the Division of Police.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, 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. 90-10.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into various types of loan and grant agreements for economic development financial assistance and forgivable loan agreements under the Vacant Property Initiative both in amounts not to exceed \$250,000.

Approved by Directors of Economic Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance:

1. In Section 4, line 3, strike "10 SF 504,".

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. 128-10.**

By Council Member Brady.  
An emergency ordinance designating McKinley Elementary School as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Finance, Law; 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.

**Ord. No. 129-10.**

By Council Member Brady.  
An emergency ordinance designating Mount Calvary Evangelical Lutheran Church and School as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Finance, Law; 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.

**Ord. No. 130-10.**

By Council Member Brady.  
An emergency ordinance designating Nathaniel Hawthorne School as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Finance, Law; 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.

**MOTION**

The Council Meeting adjourned at 8:30 p.m. to meet on Monday, February 22, 2010 at 7:00 p.m. in the Council Chambers.

Patricia J. Britt



City Clerk, Clerk of Council

**THE CALENDAR**

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

**Ord. No. 1784-09.**

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Leases By Way of Concession for the use of certain City-owned property known as Ninth Street Lots Nos. 9 and 10 for the use, privilege, permit, and license to operate special event parking and to collect fees in connection with special event parking.

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 Section 183.03 or any other provision of the Codified Ordinances of Cleve-

land, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter one or more Leases By Way of Concession on the basis of competitive proposals for the use, privilege, permit, and license to operate special event parking and to collect fees in connection with special event parking at certain City-owned property known as Ninth Street Lots Nos. 9 and 10. The Leases by Way of Concession shall be with the highest and best bidder as determined and approved by the Board of Control after competitive bidding and advertising as provided by Section 108 of the Charter of the City of Cleveland. The Leases By Way of Concession shall not **exceed a term of one year, unless a Master Parking Plan is implemented before the one-year term has expired. If a Master Parking Plan is implemented, the leases that are the subject of this ordinance shall be a part of that Master Parking Plan along with all other eligible agreements and properties.**

**Section 2.** That the Lease or Leases by Way of Concession shall include provisions stating that the Lessee or Lessees shall pay the City one hundred percent of the parking revenues in excess of Three Hundred Seventy Dollars (\$370.00) per special event, plus any applicable sales and parking tax due any taxing authorities in connection with such parking revenues. The Lease or Leases by Way of Concession shall not be construed as the conveyance of any right, title or interest in public property but merely as the granting of the privilege to use the property for the purposes described in the Lease or Leases by Way of Concession.

**Section 3.** That the Lease or Leases By Way of Concession shall be prepared by the Director of Law.

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

**Ord. No. 1785-09.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with the United States of America, acting by and through the U.S. Coast Guard for the lease of certain City-owned property known as Ninth Street Lot Nos. 9 and 10 to be used for government purposes, including parking, for the Department of Port Control, for a period of one year with three one-year options to renew, the second of which is exercisable through additional legislative authority.

**BOARD OF CONTROL**

February 3, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 3, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask,

Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson.

Others: James Hardy, Commissioner, Purchases and Supplies, Natoya Walker, Interim Director, Office of Equal Opportunity.

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

**Resolution No. 33-10.**

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of January, 2010 in the amount of \$2,232.93 attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 34-10.**

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on November 18, 2009, for fence installation, maintenance and/or repair, for the various divisions, Department of Public Utilities, under the authority of Ordinance No. 395-09, passed April 20, 2009, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 35-10.**

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of HD Supply Waterworks, LTD for an estimated quantity of pipe repair couplings (Group B), items 9-20, for the Division of Water, Department of Public Utilities, for a period of one year, starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on November 5, 2009 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$90,687.64 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 199194 which shall be certified against the contract in the sum of \$20,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the

requirement for the commodities, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 36-10.**

By Interim Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Ferguson Enterprises, Inc. dba Ferguson Waterworks for an estimated quantity of pipe repair couplings (Group A), items 1-8, for the Division of Water, Department of Public Utilities, for a period of one year, starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on November 5, 2009 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$93,366.50 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 199193 which shall be certified against the contract in the sum of \$20,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the commodities, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 37-10.**

By Interim Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Nighthawk Systems, Inc. for an estimated quantity of meters and metering equipment: collar-type integrated wireless remote disconnect meter adapters, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on October 16, 2009 under the authority of Sections 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$55,895.00 (0%, 0 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 192346 which shall be certified against such contract in the sum of \$55,895.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Be it further resolved that according to Section 181.25(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the informality and irregularity of the insufficiency of the bid check submitted by Nighthawk Systems, Inc. in the amount of \$54.75, which is less than 10% of the amount required under Section 181.24 C.O., is waived for the reason that such waiver is in the public interest.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 38-10.**

By Interim Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of MCPC, Inc. for an estimated quantity of computer network equipment, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on October 14, 2009 under the authority of Section 181.101, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$135,909.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 199091 which shall be certified against such contract in the sum of \$55,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Absent: Mayor Jackson.  
Yeas: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 39-10.**

By Interim Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that all bids received on November 5, 2009, for maintaining detention facilities and structures, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 809-08, passed June 9, 2008, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West,

Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 40-10.**

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

Whereas, Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies to acquire certain properties owned by the Department of Housing and Urban Development (HUD) and Fannie Mae, each for a price determined as Fair Market Value, as part of the Land Reutilization Program; and

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 119-29-129, located at 2164 East 84th Street, from HUD; and

Whereas, A1 Save-A-Lot Construction has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

Whereas, Section 183.024 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and with the prior written consent of the Council member(s) in whose ward the property acquired from HUD or Fannie Mae to be sold is located, to convey the property to purchasers for the public purpose of rehabilitation and/or resale for consideration established by the Board of Control at not less than fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 119-29-129 to A1 Save-A-Lot Construction is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Clark, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, FEBRUARY 22, 2010**

**9:30 A.M.**

**Calendar No. 10-11:** 2124-2190 Brookpark Road (Ward 13)  
Lodar, Inc., owner, and Cicogna Sign Company, agent, appeal to erect an 8' 4" x 15' double faced, 25 foot high, illuminated, steel gauge, shopping center identification pole sign facing Brookpark Road on a corner acreage parcel in a Semi-Industry District; where three or more retail businesses located on a single lot and served by common parking or common vehicular entrances shall be classified as a shopping center according to Section 350.14(d) and permitted signs shall comply with the Schedule of Permitted Types, Number, Area, and Height for retail; and signs identifying a shopping center shall not be erected without design review and approval of the City Planning Commission, as stated in Section 350.14(d)(7) of the Cleveland Codified Ordinances.

**Calendar No. 10-13:** 1610 East 105th Street (Ward 8)  
Veterans Development LLC appeal to construct a nine-story parking garage on acreage located in a General Retail Business District and the provisions in Section 325.03 state that the square footage for parking spaces shall equal 180 square feet, according to the Cleveland Codified Ordinances.

**Calendar No. 10-14:** 11200 Glenboro Avenue (Ward 2)  
Geneva Childress, owner, appeals to erect a 5' x 5' wheelchair lift on a 40' x 87' parcel in a One-Family District where a wheelchair lift is not a permitted encroachment in the provisions of Section 357.13 of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, FEBRUARY 8, 2010**

At the meeting of the Board of Zoning Appeals on Monday, February 8, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 10-1:** 11810 Union Avenue (Ward 6)  
Humility of Mary Housing, Inc.

appealed to erect a 40 unit apartment building for the elderly on a parcel located in a Two-Family District.

**Calendar No. 10-8:** 10404 Lorain Avenue (Ward 17)  
Giachetti Brothers Investments Inc, owners, and Mike Nicholas, tenant, appealed to establish use for a vehicle repair garage in a General Retail Business District; subject to condition.

**Calendar No. 10-9:** 13600 Deise Avenue (Ward 10)  
Northern Lakes Management Company, owner, and Northern Ohio Scrap Services, lessee, appealed to establish a scrap metal processing facility and open yard storage of scrap metal with an industrialized unit office building; subject to conditions.

The following appeals were **Denied:**

**Calendar No. 09-155:** 3232 Lakeside Avenue (Ward 3)  
Charles Fleck, owner, and Theodore Talliere, agent, appealed to expand occupancy from 135 to 200 and to add entertainment use to an existing restaurant/tavern in a General Industry District.

**Calendar No. 08-68:** 3232 Lakeside Avenue (Ward 3)  
Flextron LLC, owner, and Theodore Talliere, agent, appealed to change use from a bar/restaurant to adult cabaret in a General Industry District; appeal on remand from the Court of Common Pleas, CV-08-668807.

The following appeals were **Withdrawn:**

None.

The following appeal was **Postponed:**

**Calendar No. 10-5:** 3837 Ridge Road (Ward 15) postponed to March 8, 2010.

The following appeal was **Dismissed:**

**Calendar No. 09-229:** 3280 Adolpha Avenue (Ward 12)  
Reginald Williams appealed to establish a used car sales lot in a Residence Industry District.

The following appeal heard by the Board on February 1, 2010 was adopted and approved on February 8, 2010.

The following appeal was **Approved:**

**Calendar No. 09-241:** 6605 Barberton Avenue (Ward 15 / 16)  
Kenneth Easterly appealed to change use from storage to a vehicle repair garage in a General Industry District; subject to condition.

The following appeal dismissed by the Board on February 1, 2010 was reinstated on February 8, 2010.

The following appeal was **Reinstated:**

**Calendar No. 10-4:** Appeal of Khalil Abdulatt (Ward 2)  
Revocation Second Hand Dealers License  
9824 Miles Avenue

Khalil Abdulatt appealed from the decision of the Commissioner of Assessments and Licenses to revoke a Second Hand Dealers License.

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

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

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

**WEDNESDAY, FEBRUARY 17, 2010**

**File No. 25-2010 — 2010 CACFP — After School Snack Program, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1592-09, passed by the Council of the City of Cleveland, November 30, 2009.**

**THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY,**

FEBRUARY 11, 2010 AT 10:00 A.M., THE CLEVELAND CITY HALL, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. **THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

February 3, 2010 and February 10, 2010

**WEDNESDAY, FEBRUARY 24, 2010**

**File No. 24-2010 — Janitorial Supplies**, for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, FEBRUARY 16, 2010 AT 10:30 A.M., THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 26-2010 — City of Cleveland Cemetery Improvements Package A**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 452-08, passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 11, 2010 AT 1:00 P.M., THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

**File No. 27-2010 — City of Cleveland Cemetery Improvements Package B**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 598-09, passed by the Council of the City of Cleveland, June 6, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 11, 2010 AT 2:00 P.M., THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

**File No. 29-2010 — Constructing and Installing Replacement Sewers and Rehabilitating and Repairing Sewer at Various Locations**, for the Divi-

sion of Water Pollution Control, Department of Public Utilities, as authorized by Section No. 129.292 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 12, 2010 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

February 3, 2010 and February 10, 2010

**THURSDAY, FEBRUARY 25, 2010**

**File No. 28-2010 — Roberto Clemente Park — New Concession Building (Re-Bid)**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1513-05, passed by the Council of the City of Cleveland, October 17, 2005.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 11, 2010 AT 2:00 P.M., THE CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517, 6010 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

February 3, 2010 and February 10, 2010

**THURSDAY, FEBRUARY 25, 2010**

**File No. 35-2010 — East 14th Street Public Improvements, PID 87358; Prospect Avenue to Euclid Avenue**, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance Nos. 319-09 and 1159-09, passed by the Council of the City of Cleveland, March 16, 2009 and August 5, 2009.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 10:00 A.M., CLEVELAND CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

February 10, 2010 and February 17, 2010

**WEDNESDAY, MARCH 3, 2010**

**File No. 32-2010 — City Wide Aquatic Site Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties as authorized by Ordinance No. 597-09 passed by the Council of the City of Cleveland, June 8, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 2:00 P.M. LOCATED AT BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

February 10, 2010 and February 17, 2010

**THURSDAY, MARCH 4, 2010**

**File No. 30-2010 — Generator Improvements at Rockefeller Greenhouse and Urban Forestry**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties as authorized by Ordinance No. 597-09, passed by the Council of the City of Cleveland, June 8, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 3:00 P.M. THE ROCKEFELLER PARK GREENHOUSE, 750 EAST 88TH STREET, CLEVELAND, OHIO 44114.

**File No. 31-2010 — Exterior Door Replacement at the Zelma Watson George Recreation Center**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties as authorized by Ordinance No. 451-08, passed by the Council of the City of Cleveland, June 8, 2008.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 2:00 P.M. LOCATED AT THE ZELMA W. GEORGE RECREATION CENTER, 3155 MARTIN LUTHER KING JR. DRIVE, CLEVELAND, OHIO 44114.

February 10, 2010 and February 17, 2010

**THURSDAY, MARCH 4, 2010**

**File No. 34-2010 — Cuy-Kamms Corner Streetscape, Phase 3 from West Corporation line to West 165th Street**, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 319-09, passed by the Council of the City of Cleveland, March 16, 2009.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).** THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 25, 2010 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, ROOM 517, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

February 10, 2010, February 17, 2010 and February 24, 2010

**THURSDAY, MARCH 11, 2010**

**File No. 33-2010 — Warehouse Improvements**, for the Division of Water, Department of Public Utilities as authorized by Ordinance No. 252-07, passed by the Council of the City of Cleveland, June 4, 2007.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 10:00 A.M. LOCATED AT THE PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 10, 2010 and February 17, 2010

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 133-10.**  
**By Council Members Polensek, J. Johnson and Miller.**  
**An emergency resolution supporting Councilperson Polensek and the Collinwood community in their efforts to**

**keep Ginn Academy in its present location at the former Margaret Spellacy School on East 162nd Street.**

Whereas, the Cleveland Metropolitan School District's (CMSD) Transformation Plan proposes to relocate Ginn Academy from its present location at the former Margaret Spellacy School on East 162nd Street to Glenville High School; and

Whereas, Councilperson Polensek worked diligently with Coach Ted Ginn, Sr. over the last three years to find a permanent suitable location to house "Ted's dream" of a stand-alone, all boys, single gender academy that places safety, security and academic excellence as its core values; and

Whereas, even as the City's graduation rate has fallen to 54 percent, Ginn Academy, now in its third year, has grown in its present location to 300 students, and no one has dropped out;

Whereas, of the 37 students in its first senior class, 32 have already passed Ohio's mandatory graduation exam; and

Whereas, "Ted's dream" is working, so Ginn Academy needs to build on its success in its present location rather than be disrupted by moving to a new neighborhood and building to share with a new girls-only program; and

Whereas, CMSD has spent over 2 million in "warm, safe, and dry" expenses and renovations since 2002 on the Margaret Spellacy School building that is home to Ginn Academy; and

Whereas, CMSD spent \$775,000 in renovation costs to the Margaret Spellacy School building to make it the site of Ginn Academy last fall; and

Whereas, abandoning Ginn Academy's present location after spending so much in renovation costs is a waste of tax payers' money and state funds; and

Whereas, Councilperson Polensek and the Collinwood community will work to keep the successful Ginn Academy continuing its progress at its present location; and

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

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

**Section 1.** That this Council hereby supports Councilperson Polensek and the Collinwood community in their efforts to keep Ginn Academy in its present location at the former Margaret Spellacy School on East 162nd Street.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Eugene Sanders, CEO, the CMSD School Board, Mayor Jackson, and Congresswoman Marcia Fudge, and United States Senator George Voinovich.

**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 February 1, 2010.  
Effective February 4, 2010, without the signature of the Mayor.

**Res. No. 137-10.**

**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to a New D4 and D6 Liquor Permit at 3421 Independence Road and repealing Resolution No. 1790-09, objecting to said permit.**

Whereas, this Council objected to a New D4 and D6 Liquor Permit to 3421 Independence Road by Resolution No. 1790-09 adopted by the Council on December 7, 2009; and

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

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

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

**Section 1.** That objection to a New D4 and D6 Liquor Permit to United Steel Workers Local 979, DBA Dave McCall Hall, 3421 Independence Road, Cleveland, Ohio 44105, Permanent Number 9162945, be and the same is hereby withdrawn and Resolution No. 1790-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted February 1, 2010.  
Effective February 3, 2010.

**Res. No. 138-10.**

**By Council Member K. Johnson.**  
**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 12802 Kinsman Road, 1st floor and basement, and repealing Resolution No. 1163-09, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 12802 Kinsman Road, 1st floor and basement by Resolution No. 1163-09 adopted by the Council on August 5, 2009; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Beverly C. Galloway, 12802 Kinsman Road, 1st floor and basement, Cleveland, Ohio 44120, Permanent Number 3019386-0005 be and the same is hereby withdrawn and Resolution No. 1163-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

**Section 2.** That this resolution is hereby declared to be an emergency

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

Adopted February 1, 2010.  
Effective February 3, 2010.

**Res. No. 139-10.**  
**By Council Member Kelley.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 4915 Memphis Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Ridge Road Supermarket, LLC, 4915 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 73654880010; 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 Ridge Road Supermarket, LLC, 4915 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 73654880010; 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 February 1, 2010.  
Effective February 3, 2010.

**Res. No. 140-10.**  
**By Council Member Mitchell.**  
**An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 10300 Union Avenue, and repealing Resolution No. 1147-09, objecting to said renewal.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 10300 Union Avenue by Resolution No. 1147-09 adopted by the Council on August 5, 2009; and

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

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to 10300 Union, Inc., DBA LaRobb's Nightclub, 10300 Union Avenue, Cleveland, Ohio 44105, Permanent Number 6549357 be and the same is hereby withdrawn and Resolution No. 1147-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 1, 2010.  
Effective February 3, 2010.

**Res. No. 141-10.**  
**By Council Member Zone.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 5009 Detroit Avenue, and repealing Resolution No. 1521-09, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 5009 Detroit Avenue by Resolution No. 1521-09 adopted by the Council on October 19, 2009; and

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

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

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

**Section 1.** That objection to a C1 Liquor Permit to Detroit Beverage, Inc., DBA Detroit Beverage, 5009 Detroit Avenue, Cleveland, Ohio 44102, Permanent Number 21013480005, be and the same is hereby withdrawn and Resolution No. 1521-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted February 1, 2010.  
Effective February 3, 2010.

**Ord. No. 1711-09.**  
**By Council Members Brady and Sweeney (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 Service, 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 Service 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 Service. 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 the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 194402)

**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 Ser-

vice 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 February 1, 2010.

Effective February 3, 2010.

**Ord. No. 136-10.**

**By Council Member K. Johnson.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Buckeye Area Development Corporation for the Land Reutilization Program through the use of Ward 4 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 be authorized to enter into an agreement with Buckeye Area Development Corporation for the Land Reutilization Program for the public purpose of cleaning vacant and blighted land parcels in the city of Cleveland in order to arrest deterioration and blight through the use of Ward 4 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not

to exceed \$45,000 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 February 1, 2010.

Effective February 3, 2010.

**COUNCIL COMMITTEE MEETINGS**

**Monday, February 8, 2010  
9:30 a.m.**

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

**11:00 a.m.**

**Public Service Committee:** Present: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, Keane, Polensek, Pruitt, Sweeney. *Authorized Absence:* K. Johnson.

**2:00 p.m.**

**Community and Economic Development Committee & Finance Committee:** Present in CDED: Brancatelli, Dow, J. Johnson, Miller, Pruitt,

Westbrook. *Authorized Absence:* Cimperman, Cummins, Zone.

Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**2:00 p.m.**

**Finance Committee:** Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Tuesday, February 9, 2010  
9:00 a.m.**

**Community and Economic Development Committee:** (COMMUNITY DEVELOPMENT BLOCK GRANT HEARINGS): Present: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Cimperman.

**Wednesday, February 10, 2010  
9:00 a.m.**

**Community and Economic Development Committee:** (COMMUNITY DEVELOPMENT BLOCK GRANT HEARINGS): Present: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Cimperman.

**Thursday, February 11, 2010  
9:00 a.m.**

**Community and Economic Development Committee:** (COMMUNITY DEVELOPMENT BLOCK GRANT HEARINGS): Present: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Cimperman.

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O—Ordinance; R—Resolution; F—File

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