

# The City Record

Official Publication of the Council of the City of Cleveland



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March the Third, 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

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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

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, MARCH 3, 2010

No. 5021

## CITY COUNCIL

MONDAY, MARCH 1, 2010

The City Record  
Published weekly by the City Clerk,  
Clerk of Council under authority  
of the Charter of the  
City of Cleveland  
The City Record is available  
online at  
[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, March 1, 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; 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, Interim Directors Walker Minor, Mahone, West and Acting Director Munday Workman.

Moment of Silence. Pledge of Allegiance.

#### MOTION

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

### FROM DEPARTMENT OF LIQUOR CONTROL

#### File No. 279-10.

Re: #2402515 — C1, C2 Transfer of Ownership Application — East 116th Savmor Food, Inc., d.b.a. Martin Luther King Savmor, 1st Floor and basement, 3750 Martin Luther King Jr. Boulevard. (Ward 2). Received.

#### File No. 280-10.

Re #8774680 — D2, D2X, D3 Transfer of Location Application — Restaurant Management Services, LLC, d.b.a. Zinc., 6687 Euclid Avenue, 1st floor and patio. (Ward 3). Received.

#### File No. 281-10.

Re #8774680 — D3A New Application — Restaurant Management Services, LLC, d.b.a. Zinc., 6687 Euclid Avenue, 1st floor and patio. (Ward 3). Received.

#### File No. 282-10.

Re #1991263 — C2 New Application — Gerald B. Debose, d.b.a., the Shop, 11333 Superior Avenue (Ward 9). Received.

#### File No. 283-10.

Re #6363210 — C1 Transfer of Ownership Application — New Look Beverage, LLC, 831 East 140th Street. (Ward 10). Received.

#### File No. 284-10.

Re #31605710001 — C2, C2X Transfer of Location Application — GGA Enterprises, Inc., d.b.a. Athens Imported Foods & Deli, Unit 21, 5120 Pearl Road. (Ward 13). Received.

#### File No. 285-10.

Re#1171034 — D5J New Application — CRC Cleveland, Inc., d.b.a. Obryckis, 5300 Riverside Drive. (Ward 18). Received.

### CONDOLENCE RESOLUTIONS

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

**Res. No. 286-10** — Willie James Jackson.

**Res. No. 287-10** — Annette Marie Jenkins.

**Res. No. 288-10** — Dr. Edward Young.

**Res. No. 289-10** — Nathaniel Emmanuel Williams.

**Res. No. 290-10** — Claudette Woodard.

**Res. No. 291-10** — Donald F. Brittenum, M.D.

**Res. No. 292-10** — Judge August Pryatel.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 293-10**—Fred M. DeGrandis.

**Res. No. 294-10**—Karl J. Ertle II.

**Res. No. 295-10**—Richard P. Bongorno.

**Res. No. 296-10**—George Dobrovic.

**Res. No. 297-10**—Jonathan Holody.

**Res. No. 298-10**—Addie Bee Tufts.

**Res. No. 299-10**—Sandra Henighan Rose.

**Res. No. 300-10**—Pastor Stephen M. Gulley.

#### RECOGNITION RESOLUTION

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

**Res. No. 301-10**—Cleveland Dietetic Association / "National Nutrition Month 2010".

#### FIRST READING EMERGENCY ORDINANCES REFERRED

##### Ord. No. 261-10.

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

**An emergency ordinance authorizing the issuance and sale of water revenue obligations in the maximum principal amount of \$50,000,000 to fund costs of acquiring automated water meter reading infrastructure and authorizing related matters.**

Whereas, the City has determined to deploy a system to automatically collect water meter readings and other data related to water use and for that purpose it is necessary for the City to acquire equipment, install software and integrate the advanced water meter infrastructure with the existing billing and security systems in the Division of Water (the "Project");

Whereas, the City is authorized under Article XVIII of the Constitution of the state of Ohio and the Charter of the City to make improvements to the Waterworks System and to borrow money to pay costs of those improvements, subject to compliance with the covenants of the City in the Amended and Restated Trust Indenture, effective as of October 5, 2001, as supplemented and amended from time to time, between the City and U.S. Bank National Association, as trustee (the "Bond Indenture"), securing the City's outstanding Water Revenue Bonds and any additional Water Revenue Bonds issued from time to time (collectively, the "Bonds");

Whereas, this Council has determined that it is necessary to issue obligations to provide interim funding for the Project as provided in this ordinance (the "Obligations") in anticipation of definitive financing to be provided by additional Bonds to be issued under the Bond Indenture to retire the Obligations and to fund other improvements to the Waterworks System; and

Whereas, this ordinance constitutes an emergency measure pro-

viding for the immediate preservation of the public peace, property, health and safety in that this ordinance is required to be immediately effective to permit the issuance and sale of the Obligations to fund contracts for the acquisition of the Project for the operation of the Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Obligations in an aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) to pay a portion of the costs of the Project, including costs of acquiring meters, registers, computer hardware and software and other equipment, fees and expenses for technology and other professional services for the installation of the equipment and software and its integration with existing billing and security systems, funding any capitalized interest and paying all expenses incurred in connection with the issuance of the Obligations.

**Section 2. Authority, Security and Source of Payment.** The Obligations shall be issued pursuant to the Article XVIII of the Ohio Constitution, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Obligations shall be payable from and secured by the net revenues of the Waterworks System in the Additions and Improvements Fund established under the Bond Indenture on a basis subordinate to the Bonds under the Bond Indenture. The Obligations shall not constitute "Bonds" under the Bond Indenture. The principal of the Obligations may not be accelerated if any Bonds are outstanding under the Bond Indenture unless those outstanding Bonds have been accelerated.

**Section 3. Rate Covenant.** So long as Obligations are outstanding, the City covenants, subject to all applicable requirements and restrictions imposed by law, that at all times it will prescribe and charge such rates and charges for the services of the Waterworks System, and will so restrict operating expenses of the Waterworks System as shall result in net revenues of the Waterworks System in each year at least equal to amounts required to comply with its covenants under the Bond Indenture and to pay the principal of and interest on the Obligations in the then current year (less any interest funded from proceeds of the Obligations).

**Section 4. Terms of the Obligations.** (a) **Amount, Designation, Dating, Denominations.** The Obligations shall be issued in the principal amount, which shall not exceed the amount stated in Section 1, and shall bear interest from their date until the principal amount is paid at the rate or rates per year and payable on the dates specified in the certificate of award providing for the final terms of the Obligations and the sale of the Obligations in accordance with this Ordinance (the "Certificate of Award"). The Obligations shall be issued in fully registered form and shall be designated, numbered and dated as determined

by the Director of Finance and set forth in the Certificate of Award. The Obligations may be delivered in book-entry form, in which case the Obligations shall be registered in the name of The Depository Trust Company or its nominee (together with any successor securities depository, the "Depository"), as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository) without further action by the City as provided in the Registrar Agreement authorized in Section 6. The Obligations shall be issued in such denominations ("Authorized Denominations") as are stated in the Certificate of Award to be authorized denominations. The Obligations shall be signed by the Mayor and the Director of Finance, provided that either or both of those signatures may be a facsimile. The Registrar identified in Section 6 shall be the authenticating agent, registrar, transfer agent and paying agent for the Obligations.

(b) **Interest Rates.** If the Obligations bear interest at fixed rates of interest, the weighted average of such rates (taking into account the principal amount and maturity of each Obligation to which a rate applies) shall not exceed four percent (4%) per year. The Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Obligations to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Obligations shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Obligations shall not bear interest at a rate in excess of twenty-five percent (25%) per year. Provision shall also be made in the Certificate of Award for an assumed interest rate with respect to variable rate Obligations for purposes of complying with the rate covenant. Holders of variable rate Obligations may be given the right to tender their variable rate Obligations for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement. If the Director of Finance designates any Obligations as variable rate Obligations, and if the holders of the variable rate Obligations are to be entitled to tender the variable rate Obligations for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Obligations the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a financial advisor, that the parties so designated possess the requisite resources and experience to provide the services

required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Obligations, and from time to time thereafter so long as the variable rate Obligations are outstanding, with providers of Credit Support Instruments (as defined in Section 10), tender agents (which may be the Registrar provided for in Section 6), remarketing agents, and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Obligations upon tender for purchase or at maturity or upon prior redemption, and providing for the repayment by the City of any amounts drawn under any Credit Support Instrument.

(c) **Maturity; Principal Payments; Mandatory Redemption.** The Obligations shall mature in the years and principal amounts set forth in the Certificate of Award, provided that the final maturity date of the Obligations shall be no later than December 1, 2015. The Obligations stated to mature in any year may be issued as serial Obligations or as term Obligations payable prior to stated maturity pursuant to sinking fund redemption (the "Term Obligations"). The Director of Finance shall determine in the Certificate of Award whether any of the Obligations shall be issued as Term Obligations, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Obligations shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Obligations are issued as Term Obligations, the Term Obligations shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Registrar for payment of principal of and interest on any Term Obligations shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Obligations payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Registrar Agreement).

The City shall have the option to deliver to the Registrar for cancellation Term Obligations in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the

City, as specified by the Director of Finance, for Term Obligations stated to mature on the same principal payment date as the Term Obligations so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Obligations stated to mature on the same principal payment date. If the certificate is not timely furnished to the Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Finance, also shall be received by the City for any Term Obligations which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Obligations stated to mature on the same principal payment date as the Term Obligations so redeemed or purchased and canceled.

Each Term Obligation so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Finance, for Term Obligations stated to mature on the same principal payment date as the Term Obligations so delivered, redeemed or purchased and canceled.

(d) **Optional Redemption.** The Obligations may be subject to redemption prior to maturity by and at the option of the City, in whole or in part in Authorized Denominations, on the dates and at the redemption prices determined by the Director of Finance in the Certificate of Award, which may include payment of a make whole premium. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Obligations not to be callable prior to their stated maturity.

If optional redemption of Term Obligations at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Obligations, the Term Obligations, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the

Term Obligations of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Term Obligations to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Term Obligations to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Obligation which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Obligation were called for optional redemption on the date of the proposed purchase.

(e) **Redemption Procedures.** If fewer than all of the outstanding Obligations are called for optional redemption at one time and Obligations of more than one maturity are then outstanding, the Obligations that are called shall be Obligations of the maturity or maturities selected by the City. If fewer than all of the Obligations of a single maturity are to be redeemed, the selection of Obligations of that maturity to be redeemed, or portions thereof in Authorized Denominations shall be made by the Registrar by lot in a manner determined by the Registrar. If it is determined that less than all of the principal amount represented by an Obligation is to be called for redemption, then the registered owner of that Obligation shall surrender the Obligation to the Registrar (i) for payment of the redemption price of the principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Obligation or Obligations of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Obligation surrendered.

The notice of the call for redemption of Obligations shall identify (A) by designation, letters, numbers or other distinguishing marks, the Obligations or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. If so directed by the City, that notice may provide with respect to any optional redemption that the redemption is contingent on the deposit of money with the paying agent in an amount sufficient to pay the redemption price of the Obligations to be optionally redeemed. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least seven days prior to the date fixed for redemption, to the registered owner of each Obligation subject to

redemption in whole or in part at the registered owner's address shown on the register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Obligation, however, shall not affect the validity of the proceedings for the redemption of any Obligation.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, and there shall have been deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, are sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Obligations for which notice of redemption has been given, the Obligations and portions thereof called for redemption shall become due and payable on the redemption date, and upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Obligations and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Obligations and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Obligations and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Registrar for the redemption of particular Obligations shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Obligations, provided that any interest earned on the moneys so held by the Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Obligations for redemption.

**Section 5. Sale of Obligations.** The Obligations shall be awarded to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Obligations in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor and the Original Purchaser's offer to purchase the Obligations, including: the principal amount of the Obligations, the purchase price (which shall be not less than 97% of the principal amount plus any accrued interest from the date of the Obligations to their date of delivery), the interest rate or rates, the

amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), any optional redemption dates, the interest payment dates, the date of the Obligations, and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Director of Public Utilities, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Obligations and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Obligations to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Obligations to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Obligations. The Director of Finance is authorized to sign and deliver on behalf of the City a purchase agreement between the City and the Original Purchaser (the "Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Obligations and the Original Purchaser agrees to buy the Obligations on terms consistent with this Ordinance, that are not substantially adverse to the City, and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments to the Purchase Agreement by the Director of Finance. The proceeds from the sale of the Obligations shall be applied as provided in the Certificate of Award. It is determined that the terms of the Obligations, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Registrar Agreement; Other Documents.** The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Trustee, in its capacity as registrar and paying agent for the Obligations (the "Registrar"), in substantially the form as is now on file with the Clerk of Council in File No 261-10-A. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City

and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Obligations to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Obligations shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until the certificate of authentication printed on the Obligation is signed by the Registrar as authenticating agent. Authentication by the Registrar shall be conclusive evidence that the Obligation so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City.

If determined by the Director of Finance, based on the advice of a financial advisor, that it will enhance the marketability of the Obligations, the Director of Finance may sign and deliver, in the name and on behalf of the City, a security agreement (the "Trust Indenture") providing for covenants of the City in addition to those contained in this Ordinance, for the establishment of a debt service reserve fund and other funds or accounts for the security of the Obligations, and other terms and conditions determined by the Director of Finance to be necessary to sell the Obligations and that are not inconsistent with this Ordinance or the Bond Indenture. In that event, the provisions in the Registrar Agreement may be incorporated in the Trust Indenture and all references to the Registrar Agreement shall mean instead the Trust Indenture and all references to the Registrar shall mean instead the trustee under the Trust Indenture. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Director of Public Utilities, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Registrar Agreement and any Trust Indenture as may be necessary or appropriate to issue and sell the Obligations and to consummate the transactions authorized by this Ordinance.

**Section 7. Establishment of Funds and Accounts.** An account for the deposit of moneys to pay debt service on the Obligations (the "Subordinate Lien Debt Service Fund") is established as a separate deposit

account in the custody of the Bond Trustee in the Additions and Improvements Fund held by the City in accordance with the Bond Indenture. After making all payments required by Article V of the Bond Indenture to be made for the payment or security of the Bonds, there shall be deposited in the Subordinate Lien Debt Service Fund moneys sufficient to timely pay debt service on the Obligations payable in the then current year. A separate fund (the "Project Fund") shall be established for the deposit of the proceeds of the Obligations and shall be held by the City in a separate deposit account and used and applied to pay costs of the Project, including the reimbursement to the City of moneys temporarily advanced for the purpose in anticipation of being reimbursed from the proceeds of the Obligations. Moneys on deposit in the Subordinate Lien Debt Service Fund and the Project Fund may be invested by or at the direction of the Director of Finance in "Permitted Investments" as defined in the Bond Indenture. Any amounts in the Project Fund certified by the Director of Finance to be in excess of the amount needed to pay costs of the Project may be used to pay interest on the Obligations if that expenditure will not, in the opinion of bond counsel, adversely affect the exclusion of interest on the Obligations from gross income for federal income tax purposes.

**Section 8. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (an "Official Statement") is appropriate or necessary in connection with the sale of the Obligations, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Obligations and any necessary supplements and to authorize the use and distribution of an Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity the Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of the Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

If the SEC Rule is applicable to the Obligations, the City agrees, for the benefit of the holders and beneficial owners from time to time of the Obligations, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC

Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Obligations in accordance with the SEC Rule. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with any continuing disclosure agreement, including the timely provision of information and notices.

**Section 9. Federal Tax Covenants.** With respect to any Obligations issued as obligations the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Obligations"), the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Obligations in such manner and to such extent as may be necessary so that (a) the Tax-Exempt Obligations will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Obligations to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Tax-Exempt Obligations to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Tax-Exempt Obligations, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt Obligations as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any

of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Obligations or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Obligations, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Obligations, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt Obligations, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Obligations.

**Section 10. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby purchase agreement or other credit enhancement or liquidity instrument as further security for the payment when due of the principal of and interest on all or any portion of the Obligations (a "Credit Support Instrument"). The Director of Finance may request a rating on the Obligations from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Obligations. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Obligations to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 11. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The

Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 12. Authorization and Requirement of Declarations of Official Intent.** The Director of Finance, in consultation with the Director of Public Utilities, is authorized to prepare and sign declarations of official intent in the form required by United States Treasury Regulations §1.150-2 (the "Reimbursement Regulations") with respect to original expenditures to which the Reimbursement Regulations apply, to be made from money temporarily advanced for improvements to the Waterworks System and that is reasonably expected to be reimbursed from the proceeds of tax-exempt notes, bonds or other obligations; to make appropriate reimbursement and timely allocations from the proceeds of the tax-exempt notes, bonds or other obligations to reimburse such original expenditures; and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Sections 103 and 141 to 150 of the Code. No advance from any fund or account or order for payment may be made for original expenditures (other than expenditures excepted from such requirement under the Reimbursement Regulations) that are to be reimbursed subsequently from proceeds of tax-exempt notes, bonds or other obligations, unless a declaration of official intent with respect thereto is made within the time required by the Reimbursement Regulations.

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Obligations in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Obligations. It is further found and determined, and is represented and recited, that all applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 16. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Obligations authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

**Section 17. Emergency Measure.** This ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of the Project which is urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

**Ord. No. 262-10.**

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

**An emergency ordinance authorizing the Director of Public Service to issue permits to various property owners, their successors and assigns, to encroach into the public right-of-way beneath Euclid Avenue within the Euclid Corridor Project area by installing, using, and maintaining existing underground vaults.**

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

a municipal department; now, therefore,

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

**Section 1.** That the Director of Public Service is authorized to issue permits, revocable at the will of Council, to various property owners, their successors and assigns ("Permittees"), to encroach into the public right-of-way beneath Euclid Avenue within the Euclid Corridor Project area by installing, using, and maintaining existing underground vaults, at locations identified in File No. 262-10-A and approved by the Director of Public Service.

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

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

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

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

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

**Ord. No. 263-10.**

**By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Cleveland State University to encroach into the public right-of-way beneath Euclid Avenue by installing, using, and maintaining dual 12-inch chilled water lines.**

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

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

**Section 1.** That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Cleveland State University ("Permittee"), 2121 Euclid Avenue, Cleveland, Ohio 44115, to

encroach into the public right-of-way beneath Euclid Avenue by installing, using, and maintaining dual 12-inch chilled water lines at the following location:

**UNDERGROUND UTILITY ENCROACHMENT AREA**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Ten Acre Lot Number 82 and being further bounded and described as follows: Beginning at the intersection of the centerline of East 24th Street, now vacated, and the northerly line of Euclid Avenue, 99 feet wide; Thence along the northerly line of said Euclid Avenue South 80° - 55' - 35" West, a distance of 11.31 feet to the PRINCIPAL PLACE OF BEGINNING of the herein described easement area:

Course 1: Thence South 17° - 18' - 35" West, a distance of 6.00 feet to a point;

Course 2: Thence South 09° - 04' - 25" East, a distance of 93.63 feet to a point on the southerly line of Euclid Avenue;

Course 3: Thence along the southerly line of Euclid Avenue South 80° - 55' - 35" West, a distance of 10.00 feet to a point thereon;

Course 4: Thence North 09° - 04' - 25" West, a distance of 95.97 feet to a point;

Course 5: Thence North 17° - 18' - 35" East, a distance of 3.38 feet to a point on the northerly line of Euclid Avenue;

Course 6: Thence along the northerly line of Euclid Avenue North 80° - 55' - 35" East, a distance of 11.16 feet to the Principal Place of Beginning according to a survey by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company dated November 13, 2009.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

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

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

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

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

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

**Ord. No. 264-10.  
By Council Members Miller and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the 2010 Community Development Grant (Drop Off) Program; authorizing the Director to enter into one or more contracts with various agencies and entities to implement the program; and authorizing one or more contracts for the purchase of materials, equipment, supplies, and services for the program.**

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

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

**Section 1.** That the Director of Public Service is authorized to apply for and accept a grant in the approximate amount of \$50,000 from the Ohio Department of Natural Resources, for the 2010 Community Development Grant (Drop Off) Program, for the purposes in the summary and according thereto; that the Director of Public Service 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 summary for the grant.

**Section 2.** That the summary for the grant, File No. 264-10-A made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide \$25,000 in cash matching funds from Fund No. 01-4003-6397, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Service is authorized to enter into an agreement with various agencies and entities to implement the program.

**Section 4.** That the Director of Public Service is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of materials, equipment, supplies, and services necessary for implementation and operation of the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Service. Bids shall be taken in a manner which 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 shall determine. Alternate

bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

**Section 5.** The cost of the contracts or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance.

**Section 6.** 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 Service may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 7.** That the cost of the above authorized 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 8.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 265-10.  
By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland to the State of Ohio for the rehabilitation of the Willow Avenue Lift Bridge; authorizing the Director of Public Service to enter into any relative agreements.**

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: rehabilitation of the Willow Avenue Lift Bridge over the Cuyahoga River by replacing the lift span deck and stringers, the tower span decks, tower beam connection angles, sidewalks on the lift and tower spans, the approach slabs, rehabilitation of the hoist motors, brake replacement, seating rehabilitation, interlocking system replacement, abutment joint replacement, refurbish live load supports, railing

repair and fence replacement, lying within the City of Cleveland (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of Federal-aid, NOACA, and ARRA funds set aside by the State from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, for the financing of the Improvement. The City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

**Section 3.** That the Director of 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.** That on completion of the Improvement, the City will:

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

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

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

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

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

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

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

(c) That 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.

(d) That the State will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

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

(f) 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 6.** That this Council requests the State to proceed with the Improvement.

**Section 7.** 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 8.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 266-10.**  
**By Council Members K. Johnson, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease the Seneca Golf Course and certain adjacent property to the Cleveland Metroparks and the City of Broadview Heights for a term of ninety-nine years.**

Whereas, the City of Cleveland owns property known as the Seneca Golf Course and certain adjacent property which is suitable for lease and operation by another party for a public use; and

Whereas, Cleveland Metroparks and the City of Broadview Heights have proposed to lease Seneca Golf Course and certain adjacent property ("Leased Premises") from the City; and

Whereas, the City and Cleveland Metroparks have entered into a Memorandum of Understanding regarding the use, operation, and maintenance of the Leased Premises; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to Cleveland Metroparks and the City of Broadview Heights ("Lessees") the Seneca Golf Course and certain adjacent property which is outlined on the map placed in File No. 266-10-A which is suitable for lease by another party for a public use.

**Section 2.** That notwithstanding and as an exception to the provisions of Chapters 181.03 of the Codified Ordinances of Cleveland, Ohio, 1976 the term of the lease authorized by this ordinance shall not exceed ninety-nine years.

**Section 3.** That the property authorized by this ordinance shall be leased at fair market value as determined by the Board of Control.

**Section 4.** That the lease may authorize the Lessees to make improvements to the Leased Premises subject to the approval of appropriate City agencies and officials.

**Section 5.** That the lease shall authorize Cleveland Metroparks to maintain a minimum of 18 of the current 36 holes of golf for the term of the lease as a championship, PGA-regulation 18-hole golf course; the other 18-holes of golf would be utilized as public open space and parkland, as determined by Cleveland Metroparks. Cleveland Metroparks shall maintain the green fees for Seneca Golf Course the same as the green fees established for Highland Golf Course. The adjacent property identified on the map placed in the file shall be maintained as a natural area.

**Section 6.** That Cleveland Metroparks will offer employment to existing (as of 2008) City of Cleveland full-time and/or part-time employees, said employment consistent with Cleveland Metroparks pay rates, position titles, union membership, fringe benefits and other Park District personnel parameters.

**Section 7.** That the City of Cleveland will retain existing gas and oil leases, including revenues, for 36 months following the execution date of the lease. Thereafter, the gas and oil leases and revenue will transfer to Cleveland Metroparks. Any new wells and leases will be at the determination and ownership of Cleveland Metroparks.

**Section 8.** That the lease shall be prepared by the Director of Law.

**Section 9.** That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

**Ord. No. 267-10.**

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

**An emergency ordinance appropriating funds credited to Fund No. 17 SF 008 to provide NEHST Creations LLC, and/or its designee, with a loan guarantee on three films approved by the State of Ohio for the State of Ohio Film Tax Credit and authorizing the execution and delivery of appropriate documents in connection with such guarantee.**

Whereas, NEHST Creations LLC ("NEHST") is a New York-based film production company that has established an Ohio-based studio in Cleveland, Ohio; and

Whereas, NEHST has received an award of Ohio Film Tax Credits for three movies to be made in Cleveland in an amount of 25% of the total budget for the production of the three (3) films; and

Whereas, NEHST has secured 55% of the total budget of the three (3) films as equity through private investors; and

Whereas, a loan guarantee equal to 10% of the total budget of the three films from the City and a loan guarantee equal to 10% of the total budget of the three films from Cuyahoga County are necessary to complete the private financing in order to proceed with production of the three films; and

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

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

**Section 1.** That notwithstanding any ordinance to the contrary, funds up to \$1,155,573 which are credited to Fund No. 17 SF 008 are appropriated to provide NEHST Creations LLC, and/or its designee, with a loan guarantee on three films approved by the State of Ohio for the State of Ohio Film Tax Credit. Request No. RQS 9501 RL 2010-28.

**Section 2.** That the Director of Economic Development, Director of Finance, the Director of Law or any other appropriate official is authorized to sign, deliver, or file any documents, agreements, guarantee agreements or certificates in connection with the aforesaid loan guarantee which are required to evidence and/or provide such loan guarantee.

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

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

**Ord. No. 269-10.**

**By Council Member Cleveland.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to St. John's West Family Homes, L.P.**

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 103-22-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 108 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat of Subdivision in Volume 2 of Maps, Page 30 of Cuyahoga County Records. Said Sublot No. 108 has a frontage of 40 feet on the Southerly side of Cedar Avenue, S.E., and extends back between parallel lines 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 4.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 47 feet 9 inches of Sublot No. 109 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 30 of Cuyahoga County Records; said Northerly 47 feet 9 inches of said Sublot No. 109 has a frontage of 37 feet 11 inches on the Southerly side of Cedar Avenue, S.E., and extends back between parallel lines 47 feet 9 inches, as

appears by said plat, be the same more or less, but subject to all legal highways.

**Section 5.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 6.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-009

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio: And known as being Sublot No. 1 in The William Williams' Subdivision of a part of Original Ten Acre Lot Nos. 67, 68, and 69, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, as appears by said plat.

**Section 7.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 8.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being parts of Original Ten Acre Lot Nos. 67, 68, 69 and 70, recorded in Volume 3 on Page 6 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning at the intersection of the Northeasterly line of Central Avenue, S.E., 63 feet wide as shown by said recorded map and the Easterly line of East 38th Street 60 feet wide; thence Northerly 110.21 feet along said Easterly line of East 38th Street to a point distant 8.00 feet Southerly therein from the Northwesterly corner of said Sublot No. 21; thence Easterly 77.80 feet parallel with the Northerly line of said Sublot Nos. 21 and 22 to a point; thence Southerly 126.64 feet parallel with the said Easterly line of East 38th Street to a point in said Northeasterly line of Central Avenue, S.E.; thence Northwesterly 79.50 feet along said Northeasterly line of Central Avenue, S.E. to the place of beginning, according to survey by Robert H. Krause, Registered Ohio Surveyor, No. 2885, September 28, 1949, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

**Section 9.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 10.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-22-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 19 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E., (formerly Garden Street) at a point 6 inches West-erly from the Southeasterly corner of said Sublot No. 19; thence West-erly along said Northerly line of Central Avenue, S.E., 25 feet; thence Northerly parallel with the Easterly line of said Sublot No. 19, 80 feet; thence Easterly parallel with said Northerly line of Central Avenue, S.E., 25 feet; thence Southerly parallel with the Easterly line of said Sublot No. 19, about 80 feet to the place of the beginning, be the same more or less, but subject to all legal highways.

**Section 11.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 12.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-22-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of 18 in Williams Allotment of part of Original 10 Acre Lots Nos. 67 and 69, 70 and 68, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northeasterly line of Central Avenue, S.E. (formerly Garden Street) at the Southeasterly corner of said Sublot No. 18; thence Northwesterly along the Northeasterly line of Central Avenue, S.E., 25 feet 6 5/8 inches to the Southeasterly corner of land conveyed to Mary Abbot by deed dated June 4, 1858 and recorded in Volume 97, Page 255 of Cuyahoga County Records; thence Northerly along the Easterly line of land conveyed to Mary Abbot, as aforesaid, 123 feet 5 7/8 inches to the Northerly line of said Sublot No. 18; thence Easterly along said Northerly line of Sublot No. 18, 25 feet to the Northeasterly corner thereof; thence Southerly along the Easterly line of Sublot No. 18, 128 feet 9 inches to the place of beginning, be the same more or less, but subject to all legal highways.

**Section 13.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 14.** That the real property to be sold pursuant to this Ord-

nance is more fully described as follows:

## P. P. No. 103-22-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 109 in H.P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and bounded and described as follows:

Beginning on a Westerly line of East 37th Street (formerly Forest Street), 48 feet Southerly from its intersection with the Southerly line of Cedar Avenue, S.E., thence West-erly at right angles 37 feet 11 inches to the Westerly line of said Sublot No. 109; thence Southerly along said Westerly line, 29 feet; thence Easterly parallel to the Northerly line of said Sublot No. 109, 37 feet 11 inches to the Westerly line of East 37th Street, thence Northerly along the Westerly line of East 37th Street, 29 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordi-nances, if any.

**Section 15.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 16.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-22-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 26 feet of Sublot No. 109 in H.P. Weddell's Sublot No. of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 37th Street (formerly Forest Street) at a point 106 feet Southerly from the Northerly line of said Sublot No. 109; thence West-erly on a line parallel to said Northerly line and along the Southerly line of land conveyed by Agnes Montgomery, a widow, to William H. Beavis, by deed dated July 14, 1906, and recorded in Volume 1034, Page 333 of Cuyahoga County Records, 37 feet 11 inches to the Westerly line of said Sublot No. 109, thence Southerly along said Westerly lot line 26 feet to the Southwesterly corner of said Sublot; thence Easterly along the Southerly line of said Sublot, 37 feet 11 inches to said Westerly line of East 37th Street; thence Northerly along said Westerly line of East 37th Street, 26 feet to the place of beginning, be the same more less, but subject to all legal highways.

Also subject to all zoning ordi-nances, if any.

**Section 17.** That under Section 183.021 of the Codified Ordinances

of Cleveland, Ohio 1976, the Com-missioner of Purchases and Sup-plies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 18.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-22-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 105 in H.P. Weddell's Subdivision of part of Original Ten Acre Township Lot Nos. 64, 65 and 66 as shown by the recorded Plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 37th Street and extends back of equal width 117 feet 11 inches deep, as appears by said plat.

Also subject to zoning ordinances, if any.

**Section 19.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 20.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-22-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 3 in Taylor and Hoyt's Subdivision of part of Ten Acre Lot No. 66 in said City as the same is recorded in Volume 2, Page 34 of Maps of Land in said County. Said lot is 40 feet front on the Easterly side of East 37th Street (formerly Forest Street) and is 73 1/2 feet deep, according to said plat, be the same more or less, but subject to all legal highways.

**Section 21.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 22.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

## P. P. No. 103-22-100

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 12 in Taylor & Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34, of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 37th Street at a point distant Northerly 26.53 feet from the South-westerly corner of said Sublot No. 12; thence Northerly 3.95 feet along the said Easterly line of East 37th Street to a point; thence Easterly 73.42 feet parallel with the Norther-

ly line of said Sublot No. 12 to a point in the Easterly line thereof; thence Southerly 3.95 feet along the Easterly line of said Sublot No. 12 to a point; thence Westerly 73.42 feet parallel with the Northerly line of said Sublot No. 12 to the place of beginning.

**Section 23.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 24.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 32 feet front to rear of Sublot No. 16 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and being 32 feet front on the Easterly side of Wheat Street, (now known as East 37th Street) and extending back of equal width 73 feet 5 inches deep, as appears by said plat.

Subject to zoning ordinances, if any.

**Section 25.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 26.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly one-half of Sublot No. 18 in Taylor and Hoyt Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and being 26 feet front on the Easterly side of East 37th Street, and extending back of equal width 73 feet five inches, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 27.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 28.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-136

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in William Williams' Allotment of part of Original Ten Acre

Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 50 feet front on the Easterly side of East 38th Street (formerly Williams Street), and extending back of equal width 151-7/12 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 29.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 30.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-153

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 59 feet of the Northerly 23 feet of Sublot No. 92 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 Maps, Page 30 of Cuyahoga County Records, and being 23 feet front on the Westerly side East 37th Street, and extending back of equal width 59 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 31.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 32.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-154

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and together forming a parcel of land, bounded and described as follows:

Beginning in the Westerly line of East 38th Street, (formerly Williams Street), 60 feet wide, at the Southeast corner of said Sublot No. 3; thence Northerly along said Westerly line of East 38th Street, about 23.50 feet to a point distant Southerly (measured along said Westerly line of East 38th Street), 126.50 feet from the Southerly line of Cedar Avenue, S.E., (66 feet wide); thence Westerly along a line parallel with said Southerly line of Cedar Avenue, S.E., 40 feet; thence Southerly along a line parallel with said Westerly line of East 38th Street, 2.80 feet; thence Westerly along a line parallel with said Southerly line of Cedar

Avenue, S.E., about 10.50 feet to the Westerly line of said Sublot No. 3, thence Southerly along said Westerly line of Sublot No. 3, about 20.70 feet to the Southwesterly corner thereof; thence Easterly along the Southerly line of said Sublot No. 3, 50.50 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 33.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to St. John's West Family Homes, L.P.

**Section 34.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-169

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Parcel B in the Lot Split and Consolidation Plat for BFR Partners Company of part of Original Ten Acre Lot Nos. 67 to 70, as shown by the recorded plat in Volume 341, Page 31 of Cuyahoga County Records.

**Section 35.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 36.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 37.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

**Section 38.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 270-10.****By Council Member Pruitt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4345 Lee Road to Union Miles Development Corporation or designee.**

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

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

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

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

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

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

P. P. No. 143-05-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being Sublot No. 259 and parts of Sublot Nos. 258 and 257 and part of Block A in the Lee Miles Subdivision of part of Original Warrensville Township Lot No. 83, recorded in Volume 102 of Maps, Page 22 of Cuyahoga County Map Records, and a part of Original Warrensville Township Lot No. 83, and bounded and described as follows:

Beginning in the center of Lee Road (80 feet wide) at a point which is 298.11 feet Southerly measured along center line of Lee Road, from its point of intersection with the Northerly line of said Original Lot No. 83; thence South along said center line a distance of 357.42 feet to a point; thence South 89° 14' 00" East a distance of 459.34 feet to a point on the Westerly line of East 167 Street (50 feet wide); thence North 13° 18' 00" East along said Westerly line of East 167 Street; a distance of 96.96 feet to a point; thence North 76° 42' 00" West a distance of 138.00 feet to a point; thence North 1° 47' 11" East a distance of 55.11 feet to a point; thence North 13° 18' 00" East a distance of 182.03 feet to a point; thence North 8° 14' 00" West a distance of 390.93 feet to the center line of Lee Road and the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

**Ord. No. 271-10.****By Council Member Reed.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at southwest corner of East 119th Street and Miles Avenue to Union Miles Development Corporation or designee.**

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

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

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 138-13-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 1/2 of Sublot No. 42 in the Bishop Hoyt Allotment of part of Original One Hundred Acre Lot No. 468, as shown by the recorded plat in Volume 64 of Maps, Page 28 of Cuyahoga County Records and being 50 feet front on the Southerly side of Miles Avenue and extending back of equal width 300 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Union Miles Development Corporation or designee.

**Section 4.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 138-13-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being, Sublot No. 58 in the Bishop-Hoyt Allotment Subdivision of part of Original One Hundred Acre Lot No. 468, as shown by the recorded Plat in Volume 64 of Maps, Page 28 of Cuyahoga County Records, and being 100 feet front on the Southerly side of Miles Avenue and extending back of equal width 300 feet, as appeals by said plat.

**Section 5.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Union Miles Development Corporation or designee.

**Section 6.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 138-13-010

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

Beginning at a point in the South line of Miles Avenue, Five Hundred (500) feet East of the East line of East 116th Street (formerly Rice Avenue); thence South 300 feet; thence East Fifty (50) feet; thence North Three Hundred (300) feet to the South line of Miles Avenue; thence West along the said South line of Miles Avenue (50) feet to the place of beginning. Also known as part of Sublot No. 74 of Bishop & Hoyt Allotment as recorded in Maps, Volume 64, Page 28.

Subject to Zoning Ordinances, if any.

**Section 7.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Union Miles Development Corporation or designee.

**Section 8.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 138-13-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 50 feet of Sublot No. 74 in the Bishop and Hoyt Allotment of part of Original One Hundred Acre Lot No. 468 as shown by the recorded plat in Volume 64 of Maps, Page 28 of Cuyahoga County Records and being a parcel of land 50 feet front on the Southerly side of Miles Avenue and extending back 300 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 9.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Union Miles Development Corporation or designee.

**Section 10.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 138-13-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being the Northerly 120 feet of Sublot Nos. 98 and 99 in The Bishop Hoyt Allotment of parts of Original One Hundred Acre Lot No. 468, as shown by the recorded plat in Volume 64 of Maps, Page 28 of Cuyahoga county Records, and together forming a parcel of land having a frontage of 140 feet on the Southerly side of Miles Avenue, S.E., and extending back of equal width 120 feet along the Southerly side of East 119th Street, as appears by said plat, be the same more or less, but subject to all legal highways, free and clear of encumbrances except taxes and assessments, general and special payable for the first half of 1972 and thereafter, restrictions of record, and zoning ordinances.

**Section 11.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Union Miles Development Corporation or designee.

**Section 12.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 138-13-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Northerly 34.06 feet of Sublots Nos. 52, 57, 63, 68 and 73 in The Bishop and Hoyt Allotment of part of Original Township Lot No. 468 as shown by the recorded plat in Volume 64 of Maps, Page 28 of Cuyahoga County Records. Said parts of Sublots Nos. 52, 57, 63, 68 and 73 together form a parcel of land 34.06 feet by 200 feet, the South line of which is located parallel to and 150 feet distant from the Northerly line of

Robertson Avenue, be the same more or less, but subject to all legal highways.

**Section 13.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 14.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 15.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

**Section 16.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

#### FIRST READING EMERGENCY RESOLUTIONS REFERRED

**Res. No. 268-10.**

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

**An emergency resolution supporting the Village of Cuyahoga Heights' grant application to the Clean Ohio Council for Clean Ohio Revitalization Program funds to be used for the remediation and redevelopment of the Premier Development Partners, LLC project located at 6551 Grant Avenue in the City of Cleveland and Village of Cuyahoga Heights.**

Whereas, the State of Ohio, through the Clean Ohio Council, provides financial assistance to local governments for the purpose of addressing local needs; and

Whereas, the City of Cleveland approves and authorizes the Village of Cuyahoga Heights to submit a Clean Ohio Revitalization Fund application for the remediation and redevelopment of the Premier Development Partners, LLC project located at 6551 Grant Avenue in the City

of Cleveland and Village of Cuyahoga Heights, and that the District 1 Integrating Committee of the Ohio Public Works Commission and the Clean Ohio Council are encouraged to fund this innovative and worthwhile project; and

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

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

**Section 1.** That this Council supports the Village of Cuyahoga Heights' grant application to the Clean Ohio Council for Clean Ohio Revitalization Program funds to be used for the remediation and redevelopment of the Premier Development Partners, LLC project located at 6551 Grant Avenue in the City of Cleveland and Village of Cuyahoga Heights.

**Section 2.** That the Clerk of Council is directed to send copies of this resolution to the Village of Cuyahoga Heights and to Spencer N. Piszczak, President, Premier Development Partners, LLC, 5301 Grant Avenue, Suite 100, Cleveland, Ohio 44125.

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

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

**Res. No. 272-10.**

**By Council Member Cimperman.**

**An emergency resolution approving the petitions from owners of property in the Downtown Cleveland Improvement District; and approving the comprehensive services plan for the continuation of the operations of the Downtown Cleveland Improvement District.**

Whereas, Chapter 1710 of the Revised Code authorizes the formation of special improvement districts within the boundaries of a municipality by petition of property owners in a district and approval by the municipality for the purpose of developing and implementing plans for public improvements and public services that benefit a district; and

Whereas, by Resolution No. 1386-05 adopted on August 3, 2005, this Council approved the formation of the Downtown Cleveland Improvement District (the "District") and the Articles of Incorporation of the Downtown Cleveland Improvement Corporation, and approved an initial plan for public services benefitting all of the District; and

Whereas, pursuant to Section 1710.06(B) of the Revised Code, on August 13, 2009, the board of directors of the Downtown Cleveland Improvement Corporation submitted a comprehensive services plan (the "Plan") for the continuation of operations of the Downtown Cleveland

Improvement District to this Council and the Mayor of the City; and

Whereas, pursuant to Section 1710.06(B) of the Revised Code, owners of sixty percent or more of the front footage of property that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the District excluding certain property as provided in Section 1701.02(E) of the Revised Code, have signed a petition (the "Petition") requesting that the City of Cleveland approve the Plan and have submitted the Plan as part of the Petition; and

Whereas, the Petition and the Plan have been filed with the Clerk of Council and copies have been delivered to the Mayor of the City; and

Whereas, under Section 1710.06(B) of the Revised Code, the Petition is to be approved or disapproved by resolution of this Council within sixty days of the filing of the Petition with the City; 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 the Petition referred to in the preambles of this resolution and on file in File No. 272-10-A is approved.

**Section 2.** That the Plan submitted as part of the Petition is approved.

**Section 3.** That consistent with the approval of the Plan, this Council shall hereafter commence proceedings to provide for special assessments in accordance with the Plan, which special assessments shall be levied in accordance with Chapters 727 and 1710 of the Revised Code.

**Section 4.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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

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

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

**Ord. No. 278-10.**

**By Council Member Mitchell.**

**An emergency ordinance consenting and approving the issuance of a permit for the Run for Peace, March 21, 2010, sponsored by Our Lady of Peace Elementary School.**

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Run for Peace sponsored by Our Lady of Peace Elementary School, on March 21, 2010, with the Race beginning at the corner of East 126th Street and Larchmere Avenue on East 126th St., to Shaker Boulevard. The course will pass Our Lady of Peace School and St. Luke's. At Martin Luther King Blvd., the route will turn south onto MLK Blvd and proceed past Benedictine High School to Mt. Auburn Ave. (The route will turn into Benedictine High School for a water stop and a loop on the grounds after which the course will continue south on MLK Blvd to Mt. Auburn Ave.) The course will have a turn around site at MLK Blvd. and Mt. Auburn Ave. The return course will proceed north on MLK Blvd to the north side of Shaker Blvd and turn right onto Shaker Blvd (north side) (so that we are only closing off the west bound portion of Shaker Blvd.). At East 126th St., the course turns left onto East 126 St. for a final loop at the Our Lady of Peace School on the corner of East 126th St. and Buckingham Ave. Also, Tot Trot for children, ages 10 and younger; route will be the city block of East 126th St., Shaker Blvd., East 128th St. and Buckingham Ave. The Tot Trot will start at 126th St. and proceed south on East 126th St. to Buckingham Ave. The course will veer to the right and proceed down Buckingham Ave. The course will turn left on East 128th and take another immediate left on Shaker Blvd. at East 126th St., the route will turn left and at Buckingham Ave., the route will end at 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.

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

**Res. No. 273-10.**

**By Council Members Brancatelli, Westbrook, Sweeney, Cleveland, Cummins, Mitchell, J. Johnson, Polensek, Zone, Pruitt, Kelley, Brady, Cimperman, Conwell and Mayor Jackson.**

**An emergency resolution urging the Obama Administration to reconsider its decision to exclude the State of Ohio from receiving TARP federal funding to support new programs to keep homeowners from losing their properties.**

Whereas, the Federal government has recently announced the availability of \$1.5 billion in TARP funding to prevent home owners from losing their homes to foreclosure; and

Whereas, the State of Ohio was excluded from the list of states which received the special TARP funding; and

Whereas, Ohio has been highly impacted by the foreclosure crisis and was one of the bell weather states of the foreclosure crisis; and

Whereas, due to the lack of regulatory oversight at the Federal level of government, much of Ohio's foreclosures are linked to fraudulent and predatory loans; and

Whereas, in the last quarter of 2009, 15.7 percent of all Ohio mortgage holders were in foreclosure or their payments were more than a month late; and

Whereas, in 2009 Ohio experienced 89,053 commercial and residential foreclosures; and

Whereas, Cuyahoga County lead the nation in 2006 with 13,600 residential foreclosures; and

Whereas, Cuyahoga County is estimated to have 14,000 residential foreclosures in 2010; and

Whereas, vacant properties degrade and devalue the quality of life for remaining residents, isolating and weakening the neighborhood, and increasing the likelihood that property values will continue to decline; further abandonment will set in, as demonstrated by a recent study by CWRU/NEO-CANDO indicating that in the City of Cleveland properties lose 70% of their value following foreclosure; and

Whereas, vacant foreclosed properties often become a breeding ground for crime and fires, and require a disproportionate amount of government maintenance, for securing properties against criminal activity, removal of garbage and rodents, including elimination of blight through demolition, all at a cost to taxpayers; and

Whereas, vacant properties reduce city tax revenue in three ways: they are often tax delinquent; their low value means they generate little in taxes; and they depress property values across an entire neighborhood; and

Whereas, the citizens who live in neighborhoods with many vacant and abandoned properties have great difficulty obtaining homeowner's insurance, mortgages and loans for home improvements; and

Whereas, due to the flood of foreclosures in Cleveland and other weak market neighborhoods in Ohio,

banks walk away from properties by not taking back property titles leaving the property abandoned; and

Whereas, a study commissioned by Cuyahoga County, conducted by Cleveland State University, has found that HUD certified counselors funded by the county have a 52% success rate in advverting foreclosures; and

Whereas, foreclosure mitigation and the potential refinancing of bad mortgages is a proven tool to reduce the impacts of the foreclosure crisis; and

Whereas, the Obama Administration should reconsider its funding allocation of TARP funds assisting home owners to prevent foreclosures; 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.** Urging the Obama Administration to reconsider its decision to exclude the State of Ohio from receiving TARP federal funding to support new programs to keep homeowners from losing their properties.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to the Honorable Barack Obama, President of the United States, Governor Ted Strickland, State of Ohio, U. S. Senator George Voinovich, Ohio, U.S. Senator Sherrod Brown, Ohio, U.S. Congressman Dennis Kucinich, 10th District, Ohio, U.S. Congressman Steven LaTourette, 19th District, Ohio, U.S. Congresswoman Marcia Fudge, 11th District, Ohio and James Rokakis, Cuyahoga County Treasurer.

**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. 274-10.**

**By Council Member Cimperman.**  
**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 1296 West 6th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Mystery Productions, Inc., DBA Traffic Night Club & Patios, 1296 West 6th Street, Cleveland, Ohio 44113, Permanent Number 6275945 to Struga, Inc., DBA Sin Nite Club & Patios, 1296 West 6th Street, Cleveland, Ohio 44113, Permanent Number 8651505; and

Whereas, the granting of this application for a liquor permit to this

high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Mystery Productions, Inc., DBA Traffic Night Club & Patios, 1296 West 6th Street, Cleveland, Ohio 44113, Permanent Number 6275945 to Struga, Inc., DBA Sin Nite Club & Patios, 1296 West 6th Street, Cleveland, Ohio 44113, Permanent Number 8651505; 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. 275-10.**

**By Council Member Cummins.**  
**An emergency resolution objecting to a New C2 Liquor Permit at 3226 Clark Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at OLA 3226, Inc., 3226 Clark Avenue, Cleveland, Ohio 44109, Permanent Number 7527435; 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 C2 Liquor Permit at OLA 3226, Inc., 3226 Clark Avenue, Cleveland, Ohio 44109, Permanent Number 6527435, 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. 276-10.**

**By Council Member Miller.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 625 East 140th Street, and repealing Resolution No. 1101-09, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to Moe's Stop One, Inc., 625 East 140th Street by Resolution No. 1101-09 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 Moe's Stop One, Inc., 625 East 140th Street, Cleveland, Ohio 44110, Permanent Number 6081178 be and the same is hereby withdrawn and Resolution No. 1101-09, 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.

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. 277-10.**

**By Council Member Pruitt.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 15015 Ohio Avenue and repealing Resolution No. 1688-09, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 15015 Ohio Avenue by Resolution No. 1688-09 adopted by the Council on November 16, 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 C1 Liquor Permit to Leroy Mitchell

Investments, LLC, DBA TY Grocery & Deli, 15015 Ohio Avenue, Cleveland, Ohio 44128, Permanent Number 6061857, be and the same is hereby withdrawn and Resolution No. 1688-09, 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.

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 9-10.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Shaker Square Area Development Corporation to encroach into the public rights-of-way above Shaker Boulevard and Fairhill Road by installing and maintaining 4 neighborhood entry signs.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of City Planning Committee; Passage recommended by Committees on Public Service, Finance, when amended as follows:

1. In Section 1, line 5, strike "sigs" and insert "signs".

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. 134-10.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the fuel system at the Division of Motor Vehicle Maintenance; 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; Relieved of City Planning Committee; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 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.

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

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

**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.

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

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

**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.

Approved by Directors of Finance, Law; Passage recommended by Committee on 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 7:45 p.m. to meet on Monday, March 8, 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:

NONE

**BOARD OF CONTROL**

February 24, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 24, 2010, at 10:53 a.m. with Director Triozzi presiding.

Present: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

Others: James Hardy, Commissioner, Purchases and Supplies.

Diana Anthony, Interim Director, Office of Equal Opportunity.

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

**Resolution No. 68-10.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of GM Industrial Inc., dba Chemsafe International, Inc., for an estimated quantity of industrial paper products and cloth wipes, for Group A for all items and Group B for all items, for the various divisions of City government, for a period of two years beginning with the date of execution of the contract, with an option to renew for one additional year, received on February 3, 2010, 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 \$465,461.50, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$465,461.50.

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

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 69-10.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on November 19, 2009 for a cost per copy agreement on two group V copiers for the Division of Printing and Reproduction under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask,

Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 70-10.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 18, 2009 for GIS disaster recovery and storage area network system for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 446-09, passed June 8, 2009, are rejected.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 71-10.**

By Director Flask.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Mike Bass Ford, Inc., for an estimated quantity of one mobile crime scene unit and related equipment, all items, for the Division of Police, Department of Public Safety, for the period of one year beginning with the date of execution of a contract, received on November 25, 2009, under the authority of Ordinance No. 2015-07, passed by Cleveland City Council on January 28, 2008, which on the basis of the estimated quantity would amount to \$138,992.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$138,992.00.

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

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 72-10.**

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, City has acquired Permanent Parcel No. 118-22-060, located at 2226 East 70th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1514-09 passed November 23, 2009, autho-

rized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, John Truett and Marie Truett have proposed to the City to purchase and develop the parcel for yard expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1514-09 passed November 23, 2009, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with John Truett and Marie Truett for the sale and development of Permanent Parcel No. 118-22-060, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$400.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 73-10.**

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. 130-22-067, located at 3435 East 121st Street from HUD; and

Whereas, Two Brothers Rehab and Renovation LLC 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. 130-22-067 to Two Brothers Rehab and Renovation LLC 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: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 74-10.**

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. 132-30-004, located at 6821 Berdelle from HUD; and

Whereas, Slavic Village Development 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. 132-30-004 to Slavic Village Development 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: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 75-10.**

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. 110-05-102, located at 693 East 118th Street from HUD; and

Whereas, Glenville Development Corporation 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. 110-05-102 to Glenville Development Corporation 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: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 76-10.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 109-24-052 located at 1272 East 111th Street in Ward 9; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Mary E. Wade, Trustee, abutting/adjacent landowner, has proposed to the City to purchase and

develop the parcel for yard expansion; and

Whereas, the following conditions exist:

The member of Council from Ward 9 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Mary E. Wade, Trustee for the sale and development of Permanent Parcel No. 109-24-052 located at 1272 East 111th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 77-10.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 126-08-048 located at 9003 Capital Avenue in Ward 6; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Yvette Johnson Colvin, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

The member of Council from Ward 6 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Yvette Johnson Colvin for the sale and development of Permanent Parcel No. 126-08-048 located at 9003 Capital Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

**Resolution No. 78-10.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 119-21-038 located at 2115 East 81st Street in Ward 6; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, John E. Butler, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with John E. Butler for the sale and development of Permanent Parcel No. 119-21-038 located at 2115 East 81st Street, according to the Land Reutilization Program in

such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Wasik, Carroll, Flask, Cox, Rush, Fumich, Interim Director Mahoney and Acting Director Riccardi.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Director Nichols.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**CIVIL SERVICE NOTICE**

**ANNOUNCEMENTS — 2010  
3/12/2010 — 3/18/2010**

Announ- cement No.	Exam Method	Classi- fication	Exam Type
21	WR	Assistant Personnel Administrator	(Open)
22	WR	Custodial Worker Supervisor	(Open)
23	EE	Electrical Safety Inspector III	(Open)
24	WR	Junior Personnel Assistant	(Open)
25	WR	Personnel Assistant	(Open)

26	WR	Senior Clerk	(Open)
27	WR	Senior Personnel Assistant	(Open)

**PROOF OF CITY RESIDENCY**

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
- Bank statements (Within last three months).
- School registration of children.
- Car insurance documents.
- Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
- Loans and credit card statements (Within last three months).
- Rental contracts (e.g.: furniture, tools, car, etc.).
- Current bills not listed above (Within last three months).
- The following are examples of **unacceptable** categories of proof:

- Library cards.
- Voter registration cards.
- Birth certificates.
- Notarized letters or affidavits.
- Social Security card.
- Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 21**

**ASSISTANT PERSONNEL ADMINIS-  
TRATOR (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$54,163.56 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, MARCH 12, 2010 UNTIL 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

**TYPE:** WRITTEN EXAMINATION

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under general supervision, assists in the planning, coordinating, and supervising of personnel administration activities within a City department or division. Advises and monitors supervisors concerning adherence to various personnel policies, procedures, and practices. Performs various clerical functions and other job-related duties as required. Follows all operation and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

A High School Diploma or G.E.D. is required. An Associate's Degree in Business/Public Administration, Secretarial Science, or closely related field is required. Three years of full time paid progressively responsible experience in Human Resources and Employee Relations or a comparable field is required. (Substitution: Two years of directly related experience may substitute for each year of post-secondary education lacking.)

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee (Cash or Money Order ONLY). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 22

CUSTODIAL WORKER SUPERVISOR (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by ordinance of the Council of the City of Cleveland is \$10.00 - \$19.72 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK UP ON THE FOLLOWING DATES IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, MARCH 12, 2010 UNTIL 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

**TYPE:** WRITTEN EXAMINATION

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY

WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under general supervision, directs and assigns the work performed by Custodial Workers. Performs custodial tasks. Maintains inventory of cleaning supplies and tools. Trains employees in correct safety procedures, policies, and cleaning methods. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

A High School Diploma or GED is required. Two years of housekeeping training as well as two years of full time paid managerial or supervisory experience is required.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLAR) filing fee (Cash or Money Order ONLY). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 23

ELECTRICAL SAFETY INSPECTOR III (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance

of the Council of the City of Cleveland is \$30,846.40 - \$55,307.20 per year.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK UP ON THE FOLLOWING DATES IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, MARCH 12, 2010 UNTIL 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

**EXAMINATION INFORMATION**

**TYPE: EXPERIENCE EVALUATION**

**NOTE:** Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**DUTIES OF THE POSITION**

Under supervision of the Commissioner of Code Enforcement, makes inspections of residential and commercial buildings and structures, for the purposes of ensuring compliance with laws, ordinances, rules, and regulations relating to the design, installation, maintenance, alteration, repair, relocation, replacement, addition to, use, and inspection of electrical components, equipment and systems used in buildings and structures. Performs related duties as required that pertain to enforcement of the Cleveland Housing Code, Cleveland Building Code, Ohio Building Code, Residential Code of Ohio, and the National Electric Code. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

**(Note:** This classification utilizes the working titles of Electrical Safe-

ty Inspector I, II, III, or IV depending on the certifications held. Also, employees must be in each level at least one year before going on to the next level.) A High School Diploma or GED is required. One of the following is required: (1) Must be a Journeyman Electrician or equivalent for four years, two as an Electrician Unit Leader, and two years as a building department ESI trainee; (2) Must be a Journeyman Electrician or equivalent for four years and three years experience as a building department ESI trainee; (3) Must have four years experience as a building department ESI trainee; (4) Must be a Journeyman Electrician or equivalent for six years; or (5) Must be an Electrical Engineer registered in the State of Ohio. A valid State of Ohio Driver's License is required. A State of Ohio Board of Building Standards (OBBS) certification as an Electrical Safety Inspector certification is required and must be maintained throughout employment, in addition to the above. Electrical Safety Inspector III: Must have passed the B-1 Residential Building Inspector examination through the ICC or the 1A Building One-and Two-Family Dwelling through the NCPCCI per the inspector incentive schedule.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLAR) filing fee (Cash or Money Order ONLY). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

**AN EQUAL OPPORTUNITY EMPLOYER**

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 24

**JUNIOR PERSONNEL ASSISTANT (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleve-

land is \$20,800.00 - \$38,221.13 per year.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK UP ON THE FOLLOWING DATES IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, MARCH 12, 2010 UNTIL 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

**EXAMINATION INFORMATION**

**TYPE: WRITTEN EXAMINATION**

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**DUTIES OF THE POSITION**

Under immediate supervision, provides assistance with routine duties in areas related to Human Resources, Payroll, and Civil Service. Assists with general clerical tasks. Performs other job-related duties as required. Follows all operations and safety policies. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

A High School Diploma or GED is required. One (1) year of full time paid experience in Human Resources (Payroll, Personnel Administration, and/or Labor Relations), Employee Training & Development, Public Relations, or other business related field is required. Must be computer literate.

**NOTE:** Applicants will be required to pay a \$10.00 filing fee (TEN DOLLAR) (Cash or Money Order ONLY). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such

applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

**NOTE:** Those persons who are residents of the City of Cleveland and who received passing Scores shall have ten (10) additional points added to their grades. See list of acceptable forms of proof of residency applicants need to present at the time of filing accompanying application.

#### AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 25

#### PERSONNEL ASSISTANT (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

#### SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$46,057.09 per year.

#### FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK UP ON THE FOLLOWING DATES IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, MARCH 12, 2010 UNTIL 4:30 P.M. ON THURSDAY, MARCH 18 2010.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

#### EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE

REMOVAL FROM THE ELIGIBLE LIST.

#### DUTIES OF THE POSITION

Under supervision, maintains divisional or departmental personnel and EEO records. Prepares or assists in the preparation of personnel and/or MBE/FBE forms, reports, and records. Performs general clerical duties. Performs other job-related duties as required. Follows all operations and safety policies. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS.

A High School Diploma or GED is required. Two years of full time paid experience in Human Resources, Personnel, Civil Service, or other administrative office is required. Must be proficient in computer and software skills (Microsoft Office Suites). Must possess excellent written and verbal communication skills. Must be able to lift and carry a minimum of twenty (20) pounds.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLAR) filing fee (Cash or Money Order ONLY). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

#### AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 26

#### SENIOR CLERK (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

#### SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.29 - \$16.10 per hour.

#### FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR DISTRIBUTION ON THE FOLLOWING DATES TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, MARCH 12, 2010 UNTIL 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

#### EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

#### DUTIES OF THE POSITION

Under immediate supervision, performs responsible work in the maintaining of office records and conducts other office procedures. In some cases, supervises a small group of employees concerned with routine office work. Calculates, prepares, and processes bills, invoices, and other financial records, according to established procedures. Maintains computerized and other office records and logs. Performs receptionist duties as needed. Performs related work as required. Follows all operations and safety policies. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS.

A High School Diploma or GED is required. Three years of full time paid clerical experience is required. Should have a working knowledge of computers and good customer service skills.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLAR) filing fee (Cash or Money Order ONLY). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

**AN EQUAL OPPORTUNITY EMPLOYER**

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 27

**SENIOR PERSONNEL ASSISTANT (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$48,701.54 per year.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK UP ON THE FOLLOWING DATES IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, MARCH 12, 2010 UNTIL 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MARCH 18, 2010.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

**EXAMINATION INFORMATION**

**TYPE:** WRITTEN

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CON-

TAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**DUTIES OF THE POSITION**

Under supervision, processes wage, benefit, and other personnel transactions. Tracks employee status changes and processes personnel information documents. Prepares, or assists in preparation of, employee payroll reports and benefit forms. Maintains various personnel records and prepares periodic reports. Prepares written correspondence. Performs other job related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

A High School Diploma or GED is required. Five years of full time paid administrative experience and a minimum of one (1) year experience in personnel wages and benefits is required. Must have a working knowledge of Microsoft Office software and general office equipment.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLAR) filing fee (Cash or Money Order ONLY). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

**AN EQUAL OPPORTUNITY EMPLOYER**

REYNALDO GALINDO,  
President

March 3, 2010

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MARCH 15, 2010**

**9:30 A.M.**

**Calendar No. 10-16:** 16208 St. Clair Avenue (Ward 11)

Najib Chedid, owner, appeals for a new 24 hours daily use for a drive-through lane on an existing food mart and a 104 feet high wind turbine to be permitted on an irregular shaped, acreage parcel in a C2 Local Retail Business District; and the limitations of Section 347.16(g)(6), prohibit a retail sales use from a drive-through lane between the hours of 11:00 P.M. and 6:00 A.M. daily where it abuts a residential district; and contrary to Section 354A.04(b)(1), the ground wind turbine is proposed at a distance of 53 feet where 114 feet is the minimum setback distance required to equal 1.1 times the height of the turbine from all property line, street right-of-way line and utility line and no portion of a rotor blade shall extend closer than 5 feet to the utility line; and a wind turbine in a commercial district shall be setback from a residential district 2 times its height, and a distance of approximately 155 feet is proposed where 208 feet is required in order to comply with Section 354.04(b)(2); and the provisions in Sections 354.07(a)(6) and (8) require a statement from an Ohio licensed engineer, certifying structural soundness, a noise control standard with respect to nearby residential use, and statements indicating the estimated costs for construction and also for the demolition and removal of the wind turbine as stated in the Cleveland Codified Ordinances.

**Calendar No. 10-20:** 4407 West 139th Street (Ward 18)

Delijana Pekurar, owner, appeals to erect a frame play house on a 39' x 130' parcel in an A1 One-Family District at a distance of 15 inches from the north property line, where accessory uses and buildings permitted in a Residence District shall be located a minimum of 18 inches from all property lines and at least 10 feet from any main building on an adjoining lot, according to Section 337.23 of the Cleveland Codified Ordinances.

**Calendar No. 10-24:** 2021 West 11th Street (Ward 3)

David F. Perse, owner, appeals to erect a 2-story single family residence on a 75' x 117.30' corner parcel in a C1 Multi-Family District; contrary to the provisions in Section 355.05, a maximum gross floor area of 5,284 square feet is provided and 4,398.7 square feet is required; and subject to the limitations of Section 355.05, a trash and yard grill is not a permitted interior side yard encroachment; and a professional stamped survey approved by the Division of Engineering and Construction showing swale, elevations, utilities, driveway apron details and locations is required in accordance with Section 327.02(e) of the Cleveland Codified Ordinances.

Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

**MONDAY, MARCH 1, 2010**

At the meeting of the Board of Zoning Appeals on Monday, March 1, 2010, the following appeals were heard by the Board.

The following appeals were **Approved**:

**Calendar No. 10-15:** 13813 Lorain Avenue

Joseph Coreno, owner, and Richard Eucker, tenant, d.b.a. The Closing Room, appealed from the recommendation of the Public Safety Department to disapprove a Music License.

**Calendar No. 09-255:** 6021 Memphis Avenue

James Souris appealed to change from a gas station to a restaurant the use of a one-story building on a corner parcel in a Local Retail Business District.

**Calendar No. 09-266:** 18605 Flamingo Avenue

Mack Cameron appealed to erect a wheelchair ramp to a single family dwelling in an A1 One-Family District.

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

The following appeal was **Withdrawn**:

None.

The following appeals were **Postponed**:

**Calendar No. 10-4:** Appeal of Khalil Abdulatt — Revocation of Second Hand Dealer's License, 9824 Miles Avenue postponed to March 29, 2010.

**Calendar No. 10-7:** Appeal of Victor Simmons — Revocation of Second Hand Dealer's License, 6218 St. Clair Avenue postponed to March 29, 2010.

The following appeal was **Dismissed**:

None.

The following appeals heard by the Board on February 22, 2010 were adopted and approved on March 1, 2010.

The following appeals were **Approved**:

**Calendar No. 10-11:** 2124-2190 Brookpark Road (Ward 13)

Lodar, Inc., owner, and Cicogna Sign Company, agent, appealed to erect a double faced, 25 foot high, illuminated, steel gauge shopping Center identification sign in a Semi-Industry District.

**Calendar No. 10-13:** 1610 East 105th Street (Ward 8)

Veterans Development LLC appealed to construct a nine-story parking garage in a General retail business District.

**Calendar No. 09-232:** 15701 Waterloo Road (Ward 11)

Eric Kunde, owner, and Chris McNeill, tenant, appealed to establish

use for body piercing and tattooing in an existing building in a Local Retail Business District.

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

The following appeal was **Approved**:

**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.

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, MARCH 17, 2010**

**File No. 41-2010 — Purchase of Electrical Items, Materials, Parts and Equipment,** for the various Divisions of City Government, Department of Finance, as authorized by Ordinance pending, passed by the Council of the City of Cleveland, pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MARCH 8, 2010 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE, CLEVELAND, OHIO 44114.

**File No. 42-2010 — Department of Community Development Elevator Modernization for the North Point Transitional Men's Shelter,** for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 869-08, 531-07 and 1946-07, passed by the Council of the City of Cleveland, July 7, 2008, April 26, 2007 and November 27, 2007, respectively.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** TUESDAY, MARCH 9, 2010 AT 2:00 P.M. THE NORTH POINT INN BUILDING, 1550 SUPERIOR AVENUE, CLEVELAND, OHIO 44113.

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

February 24, 2010 and March 3, 2010

### ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 216-10.**

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

An emergency resolution urging passage of Senate Bill 30 of the 128th Ohio General Assembly that would require arson offenders to register personally with the Attorney General.

Whereas, Senate Bill 30, sponsored by Senator Tim Schaffer and co-sponsored by Senators Dale Miller, Bob Gibbs, and Jim Hughes, would require arson offenders to register personally with the Attorney General; and

Whereas, Senate Bill 30 was introduced in the 128th General Assembly on February 10, 2009 by bipartisan cosponsors, and is assigned to the Judiciary Criminal Justice Committee; and

Whereas, during 2009, the year of the bill's introduction, the City of Cleveland, Department of Public Safety, alone reported 404 arson offenses to the Federal Bureau of Investigation; and

Whereas, arson incidents in Cleveland school buildings rose over 100 percent in 2009, from 58 in 2008 to 141 in 2009; and

Whereas, the citizens of the City of Cleveland have experienced devastating home losses and damage, and even deaths as a result of recent arsons; and

Whereas, the scope of damage from arson is increasing due to vacant and abandoned structures in our community; and

Whereas, passage of Senate Bill 30 would send a strong anti-arson message and discourage the increasing number of arsons; and

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

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

**Section 1.** That this Council urges passage of Senate Bill 30 of the 128th Ohio General Assembly that would require arson offenders to register personally with the Attorney General.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Senators Tim Schaffer, Dale Miller, Bob Gibbs, Jim Hughes and Mayor Jackson.

**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 22, 2010.

Effective February 25, 2010.

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**Res. No. 217-10.**

**By Council Member Dow.**

**An emergency resolution objecting to the transfer of liquor license of a C2 and C2X Liquor Permit to 6203 Superior Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a C2 and C2X Liquor Permit from Yash Kush, Inc., DBA Superior Beverage, 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 9820735 to Yash Kush, Inc., DBA Superior Beverage, 6203 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 98207350001; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best

interests of the entire community; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of liquor license of a C2 and C2X Liquor Permit from Yash Kush, Inc., DBA Superior Beverage, 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 9820735 to Yash Kush, Inc., DBA Superior Beverage, 6203 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 98207350001, 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 22, 2010.

Effective February 25, 2010.

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**Res. No. 218-10.**

**By Council Member J. Johnson.**

**An emergency resolution objecting to a New C1 Liquor Permit at 1900 Euclid Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Shiva Shakti, LLC, DBA K & Y Convenient, 1900 Euclid Avenue, Cleveland, Ohio 44115, Permanent Number 8093985; 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 Shiva Shakti, LLC, DBA K & Y Convenient, 1900 Euclid Avenue, Cleveland, Ohio 44115, Permanent Number 8093985, 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 22, 2010.

Effective February 25, 2010.

**Res. No. 219-10.****By Council Member K. Johnson.**

**An emergency resolution withdrawing objection to the transfer of stock of a C2 and C2X Liquor Permit at 3344 East 116th Street and repealing Resolution No. 24-2010, objecting to said transfer.**

Whereas, this Council objected to the transfer of stock of a C2 and C2X Liquor Permit to 3344 East 116th Inc., DBA Kinsman Supermarket, 3344 East 116th Street, Cleveland, Ohio 44120, Permanent No. 89166090005, by Resolution No. 24-2010 adopted by the Council on January 11, 2010; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to 3344 East 116th Inc., DBA Kinsman Supermarket, 3344 East 116th Street, Cleveland, Ohio 44120, Permanent No. 89166090005 be and the same is hereby withdrawn and Resolution No. 24-2010, 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 22, 2010.

Effective February 25, 2010.

**Res. No. 220-10.****By Council Member Kelley.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 6101 Memphis Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Shernkev, Inc., DBA Trio Tavern, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 8079254 to Cal Ger, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1184084; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

Whereas, the place for which the permit is sought has not conformed to the building, safety or health

requirements of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Shernkev, Inc., DBA Trio Tavern, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 8079254 to Cal Ger, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1184084; 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 22, 2010.

Effective February 25, 2010.

**Res. No. 222-10.****By Council Member Miller.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 12515-19 St. Clair Avenue, and repealing Resolution No. 1166-09, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to Roscoe, Inc., DBA Honey Do Club, 12515-19 St. Clair Avenue by Resolution No. 1166-09 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 provid-

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

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

**Section 1.** That objection to a D1, D2, D3 and D3A Liquor Permit to Roscoe, Inc., DBA Honey Do Club, 12515-19 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 7514486 be and the same is hereby withdrawn and Resolution No. 1166-09, 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 22, 2010.

Effective February 25, 2010.

**Res. No. 223-10.****By Council Member Pruitt.**

**An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 4102-04 Lee Road, and repealing Resolution No. 959-09, objecting to said renewal.**

Whereas, this Council objected to a D5 Liquor Permit to Club E Inc., DBA Club E, 4102-04 Lee Road by Resolution No. 959-09 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 Liquor Permit to Club E Inc., DBA Club E, 4102-04 Lee Road, Cleveland, Ohio 44128, Permanent Number 1572238 be and the same is hereby withdrawn and Resolution No. 959-09, 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 22, 2010.

Effective February 25, 2010.

**Res. No. 224-10.****By Council Member Reed.**

**An emergency resolution objecting to a New C1 Liquor Permit at 3831 East 93rd Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at New Star Market, Ltd., 3831 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 6379708; 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 New Star Market, Ltd., 3831 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 6379708; 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 22, 2010.  
Effective February 25, 2010.

**Res. No. 225-10.**  
**By Council Member Zone.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 2044 West 65th Street, and repealing Resolution No. 963-09, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to Abdelsalam Ali, DBA A & F Food Market, 2044 West 65th Street by Resolution No. 963-09 adopted by the Council on July 1, 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 C1 and C2 Liquor Permit to Abdelsalam Ali, DBA A & F Food Market, 2044 West 65th Street, Cleveland, Ohio 44102, Permanent Number 0117346 be and the same is hereby withdrawn and Resolution No. 963-09, 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 22, 2010.  
Effective February 25, 2010.

**Res. No. 226-10.**  
**By Council Member Cleveland.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 3609 Community College Boulevard.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Community Supermarket, Inc., DBA Mike's Food Market, 3609 Community College Boulevard, Cleveland, Ohio 44115, Permanent Number 1669840; 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 rea-

sonable 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 Community Supermarket, Inc., DBA Mike's Food Market, 3609 Community College Boulevard, Cleveland, Ohio 44115, Permanent Number 1669840; 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 22, 2010.  
Effective February 25, 2010.

**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 Cleveland, 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.

Passed February 22, 2010.

Effective February 25, 2010.

**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.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with the United States of America, acting by and through the U.S. Coast Guard ("Lessee") for certain City-owned property known as Ninth Street Lot Nos. 9 and 10 to be used for government purposes, including parking ("Leased Premises"), excluding special events. The term of the Lease shall be for a one year period, commencing October 1, 2009, with three one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. For use of the Leased Premises, Lessee shall pay the City an annual rate of \$30,600, which may be paid quarterly.

**Section 2.** That the Lease authorized shall be prepared by the Director of Law.

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

Passed February 22, 2010.

Effective February 25, 2010.

**Ord. No. 212-10.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Louise Laffitte for professional services to assist with legislative and policy research 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 Louise Laffitte for professional services to assist with legislative and policy research for Cleveland City Council. This agreement shall be entered into as of March 1, 2010 and shall terminate February 28, 2011. The agreement shall be certified for \$24,960.00 from fund number 01, subfund 001, account 6320.

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

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

Passed February 22, 2010.

Effective February 25, 2010.

**COUNCIL COMMITTEE MEETINGS**

**Thursday, February 25, 2010  
9:00 a.m.**

**General Fund Budget Hearings: Finance Committee:** Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Polensek, Pruitt, Westbrook. *Authorized Absence:* Mitchell.

**Friday, February 26, 2010  
9:00 a.m.**

**General Fund Budget Hearings: Finance Committee:** Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook. *Authorized Absence:* Cleveland.

**Monday, March 1, 2010  
2:00 p.m.**

**Public Service Committee and Finance Committee:** Present in Service: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, Polensek, Pruitt, Sweeney. *Authorized Absence:* K. Johnson, Keane. *Pro tempore:* Mitchell, Kelley.

Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Miller, Mitchell, Polensek, Pruitt, Westbrook. *Authorized Absence:* Keane. *Pro tempore:* J. Johnson.

**2:00 p.m.**

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

**Tuesday, March 2, 2010  
9:30 a.m.**

**Community and Economic Development Committee, City Planning Committee and Legislation Committee:** Present in CDED: Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

Present in Planning: Cleveland, Chair; Westbrook, Vice Chair; Brady, Dow, Zone. *Authorized Absence:* Conwell, Keane. *Pro tempore:* Mitchell, Miller, J. Johnson.

Present in Legislation: Mitchell, Chair; Brancatelli, Cimperman, Sweeney. *Authorized Absence:* K. Johnson, Vice Chair; Reed, Cleveland.

**9:30 a.m.**

**Community and Economic Development Committee:** Present: Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

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O—Ordinance; R—Resolution; F—File  
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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