

# The City Record

Official Publication of the Council of the City of Cleveland



April the Twenty-First, Two Thousand and Ten

**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, APRIL 21, 2010

No. 5028

## CITY COUNCIL

MONDAY, APRIL 19, 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, April 19, 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, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Sweeney, Westbrook and Zone.

Also present were Mayor Frank J. Jackson; Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Valarie J. McCall, Chief of Government Affairs; Chris Warren, Chief of Regional Development; Monyka S. Price, Chief of Education; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; Andrew Waterson, Chief of Sustainability; and Directors Triozzi, Dumas, Withers, Wasik, Carroll, Cox, Rybka, Fumich, Griffin, Interim Directors Nycole D. West and John D. Mahone, and Acting Director Munday Workman.

Pursuant to Ordinance No. 2926-76 prayer was offered by Ward 15 Council Member Matthew Zone. Pledge of Allegiance.

### MOTION

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

### COMMUNICATIONS

#### File No. 369-10-A.

Downtown Cleveland Improvement District — Estimated Assessments. Received.

### FROM DEPARTMENT OF LIQUOR CONTROL

#### File No. 528-10.

Re #6620004 — C1, C2 Transfer of Ownership Application — Padmavati Stores, Inc., d.b.a. Cleveland Convenience Store, 4563 Warner Road. (Ward 2). Received.

#### File No. 529-10.

Re #4337539 — C1, C2 Transfer of Ownership Application — Tracy Johnson, d.b.a. Superior Deli, 9108 Superior Avenue. (Ward 7). Received.

#### File No. 530-10.

Re #935794103234 — C2 New Application — Walgreens Co., d.b.a. Walgreens #03234, 4281 West 130th Street. (Ward 17). Received.

### CONDOLENCE RESOLUTIONS

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

**Res. No. 523-10**—William D. Colquhoun.

**Res. No. 531-10**—Jessie Mae Walker.  
**Res. No. 532-10** — Fentress Price Winston.

### CONGRATULATION RESOLUTIONS

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

**Res. No. 533-10**—Irene A. Holyk Rennillo.

**Res. No. 534-10**—Saji T. Daniel.  
**Res. No. 535-10**—Catherine S. Koppelman.

**Res. No. 536-10**—Terrence V. Zuk.  
**Res. No. 537-10**—Tanisha R. Briley.  
**Res. No. 538-10**—David M. Paris.  
**Res. No. 539-10**—Miriam Solomon Plax.

**Res. No. 540-10**—Dr. David G. Waterson, Jr.

**Res. No. 541-10**—John J. Boyle III.  
**Res. No. 542-10**—Reverend Ralph Hughley, Sr.

**Res. No. 543-10**—Charlie Haden.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 496-10.**

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

**An emergency ordinance authorizing the Director of Finance to enter into an agreement with Sunpu-Opto Semiconductor, Ltd., a Chinese company, relating to locating its assembly, distribution, customer service, manufacturing, and research and development facilities in Cleveland, creating new jobs, and the purchase by requirement contract of LED bulbs, fluorescent tubes, streetlights and traffic lights for the various departments of City government for a period of up to ten years.**

Whereas, Sunpu-Opto Semiconductor, Ltd. ("Sunpu"), a Chinese company, is a manufacturer specializing in LED lighting products, including products for home, office, industrial, street lighting, and traffic signal uses; and

Whereas, Sunpu has proposed to locate its assembly, distribution, customer service, support center, manufacturing, and research and development facilities in the City of Cleveland, the first such facilities owned by Sunpu in the United States; and

Whereas, Sunpu anticipates that Sunpu's facilities will generate approximately 350 new jobs in the City of Cleveland in the next five years; and

Whereas, Sunpu has proposed to supply the City's requirements for LED streetlights, LED fluorescent tubes, LED bulbs, and LED traffic lights meeting the City's standards ("LED products") for use by the various municipal departments for a period of up to ten years at or below the price for all other comparable LED products; and

Whereas, this Council determines that the economic development benefits flowing to the City of Cleveland from the proposed facilities located in the City by Sunpu, as well as its pricing terms for the purchase of LED products, are non-competitive, unique, and cannot be obtained from any other source; and

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

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

**Section 1.** That the Director of Finance is authorized to enter into an agreement with Sunpu-Opto Semiconductor, Ltd., relating to building and constructing their first United States facilities in the City of Cleveland and the furnishing of the City's requirements for LED products for use by the various divisions of City government for a period of up to 10 years at or below pricing for all other LED comparable products, and including the following milestones and terms:

a. Sunpu shall work diligently toward the location of its first assembly and distribution facilities and customer service and support center for LED products in the United States to Cleveland within 18 months of the execution of the agreement;

b. Sunpu shall work diligently toward the location of its first manufacturing facility for LED products in the United States to Cleveland within 36 months of the execution of the agreement;

c. Sunpu shall work diligently toward the location of its first research and development facility in the United States within 60 months of the execution of the agreement;

d. Sunpu shall work diligently toward the creation of a minimum of 350 new jobs at its facilities in Cleveland within 60 months of the execution of the agreement;

e. Sunpu shall supply Cleveland with its requirements for LED products for use by the various divisions of City government for a period of up to 10 years at or below comparable LED pricing for all other LED products as periodically determined by the City's Commissioner of Purchases and Supplies;

f. Provided that Sunpu complies with its milestones and other representations under the agreement, the City shall purchase its requirements for LED products for a period of 10 years commencing when Sunpu begins assembly operations in the City; and

g. Such other terms and provisions as the Director of Law determines necessary to protect and benefit the City's interests.

**Section 2.** That the costs of the contract for the purchase of LED products shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 3.** That the Directors of Finance and Public Utilities are authorized to take such other actions as may be necessary or appropriate in connection with carrying out the terms of the agreement authorized in Section 1, including making purchases of Sunpu's LED streetlights and fluorescent tubes to examine their applicability to various City operations provided that all such purchases do not exceed \$50,000.

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

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

**Ord. No. 497-10.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise an option to renew Contract No. 68194 with O.R. Colan Associates, Inc. for professional appraisal services, for the Department of Port Control.**

Whereas, under the authority of Ordinance No. 777-07, passed June 4, 2007, the Director of Port Control entered into Contract No. 68194 with O.R. Colan Associates, Inc. for professional appraisal services, for the Department of Port Control; and

Whereas, Ordinance No. 777-07 requires further legislation before exercising the option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the option to renew Contract No. 68194 for an additional year with O.R. Colan Associates, Inc. for professional appraisal services, for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 777-07 to exercise this option.

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

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

**Ord. No. 498-10.**

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

**An emergency ordinance to amend Section 2 of Ordinance No. 589-09, passed June 1, 2009, relating to the public improvement of renovating and upgrading the Runway Safety Area for Runway 10-28 at Cleveland Hopkins International Airport, and other related contracts.**

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

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

**Section 1.** That Section 2 of Ordinance No. 589-09, passed June 1, 2009, is amended to read as follows:

Section 2. That, alternatively, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the Improvement, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder after competitive bidding **on a unit basis** for the Improvement.

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



components may be the subject of a separate contract **on a unit basis.**

**Section 2.** That existing Section 2 of Ordinance No. 589-09, passed June 1, 2009, is repealed.

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

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

**Ord. No. 499-10.**

**By Council Members Keane, Mitchell and Sweeney (by departmental request).**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, be enacting new Section 139.21 relating to purchases and training for mandatory environmental activity compliance; software and hardware acquisition.**

Whereas, the Department of Port Control is required to comply with environmental requirements, including those imposed by local, federal, and state statute, regulation, permit, license, order, certification, policy, guidance, or other legal mechanism, in order to maintain operating status and to avoid serious penalties for non-compliance; and

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 139.21 to read as follows:

**Section 139.21 Purchases and Training for Mandatory Environmental Activity Compliance; General Environmental Professional Services and Software and Hardware Acquisition**

(a) The Director of Port Control is authorized to enter into one or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for materials, equipment, supplies, services, and training necessary to comply with local, state, and federal environmental requirements necessary to maintain operating status and to avoid serious penalties for non-compliance at Cleveland Hopkins International Airport and Burke Lakefront Airport, Department of Port Control.

(b) That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to comply with local, state, and federal environmental requirements necessary to maintain operating status and to avoid serious penalties for non-compliance at Cleveland Hopkins International Airport and Burke

Lakefront Airport, Department of Port Control.

(c) The Director of Port Control is authorized to acquire by contract or contracts with one or more software developers or vendors or one or more firms of software developers or vendors, the software licenses, upgrades, technical support, and maintenance necessary to develop hosting environmental management systems at the Department of Port Control, including Cleveland Hopkins International Airport and Burke Lakefront Airport, for the purposes of this section.

(d) The Director of Port Control is authorized to execute, in connection with a purchase of computer hardware under this section, one or more license agreements for software required for use of that hardware, directly with a firm or firms other than the hardware vendor.

(e) Any purchase made by standard purchase or requirement contract under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for such purpose. The selection of a professional consultant, consultants, computer software developers, or vendors made under this section shall be made by the Board of Control upon the nomination of said Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. Professional services contracts authorized under this section shall be prepared by the Director of Law, approved by the Director of Port Control, certified by the Director of Finance, and paid from the annual appropriations made for such purpose.

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

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

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

**Ord. No. 500-10.**

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

**An emergency ordinance to amend Section 4 of Ordinance No. 487-07, passed June 4, 2007, relating to the rehabilitating, renovating, reconstructing or otherwise improving various Department of Public Health Facilities,**

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

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

**Section 1.** That Section 4 of Ordinance No. 487-07, passed June 4, 2007, is amended to read as follows:

Section 4. That the cost of the contracts authorized shall be paid from Fund Nos. **19 SF 500**, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 20 SF 503, **20 SF 509**, **20 SF 517**, and **20 SF 524**, Request No. 156215.

**Section 2.** That existing Section 4 of Ordinance No. 487-07, passed June 4, 2007, is repealed.

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

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

**Ord. No. 501-10.**

**By Council Member Pruitt.**

**An emergency ordinance to amend Section 411.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1263-02, passed October 28, 2002, relating to seizure and disposal of mobile basketball hoops.**

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

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

**Section 1.** That Section 411.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1263-02, passed October 28, 2002 is hereby amended to read as follows:

**Section 411.04 Toy Vehicles and Games on Streets; Seizure and Disposal of Mobile Basketball Hoops**

(a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon a roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets when authorized as such.

(b) No person shall fly a kite or play any game of ball, including playing or using mobile or moveable basketball hoops, or other game on any street unless the same has been set aside for playground purposes.

(c) In addition to the penalties set forth in Section 403.99, any mobile or moveable basketball hoop or any equipment or device used as a mobile or moveable basketball hoop, found in violation of division (b) of this Section, without regard to the ownership of the property, is hereby declared to be contraband, and shall be seized and disposed of in accordance with Section 2933.43 of the Revised Code.

**Section 2.** That existing Section 411.04 of the Codified Ordinances of

Cleveland, Ohio, 1976, as amended by Ordinance No. 1263-02, passed October 28, 2002 is hereby repealed.

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

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

**Ord. No. 502-10.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed fifteen months.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed fifteen months.

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

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 01-7004-6380, Request No. RQS 7004 RL 2010-56.

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

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

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

**Ord. No. 503-10.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers.**

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; and

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings during evening hours and in various recreation centers during day or evening hours, in an amount not to exceed \$289,511, payable from Fund Nos. 01-7004-6380, Request No. RQS 7004 RL 2010-58.

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

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

**Ord. No. 504-10.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football 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 Parks, Recreation and Properties is authorized to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program and to pay participant entry fees, in an amount not to exceed \$75,098, payable from Fund No. 01-7004-6380, Request No. RQS 7004 RL 2010-57.

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

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

**Ord. No. 505-10.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$75,000.00, payable from Fund No. 01-7004-6380, Request No. RQS 7004 RL 2010-60.

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

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

**Ord. No. 506-10.**

**By Council Members Polensek, K. Johnson and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Salvation Army for administrating and facilitating recreational services in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into contract with the Salvation Army, Cleveland Temple Corps, 17625 Groveswood Avenue, Cleveland, Ohio, 44119, or its designee, to administer and facilitate recreational services in the Collinwood Community in Ward 11,

for the Division of Recreation, Department of Parks, Recreation and Properties, in the total sum of \$70,000, payable from Fund No. 01-7004-6380, Request No. RQS 7004 RL 2010-61.

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

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

**Ord. No. 507-10.**

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

**An emergency ordinance appropriating Community Development Block Grant and NEF Administrative Cost funds for administrative expenses of the Department of Community Development; authorizing the director to enter into one or more contracts with Executive Information Systems, LLC for SAS software maintenance, for a period not to exceed two years.**

Whereas, the City of Cleveland has received Community Development Block Grant, Year 36 funds from the United States Government; and

Whereas, City Council has designated administrative processing costs from Neighborhood Equity Funds; 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 Community Development Block Grant funds in the amount of \$4,272,000 from Fund Nos. 14 SF 033, 14 SF 034, and 14 SF 035, 14 SF 036 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$3,747,000
Other	525,000

**Section 2.** That the Director of Community Development is authorized to expend funds and enter into contracts for reimbursement of non-profit subrecipients for the cost of audit and other professional services.

**Section 3.** That this Council determines that the within commodities are non-competitive and cannot be secured from a source other than Executive Information Systems, LLC. Therefore the Director of Community Development is authorized to make one or more written contracts with Executive Information Systems, LLC for SAS software maintenance, to be purchased by the Commissioner of Purchases and Supplies, for the Department of Community Development, for a period of two years.

**Section 4.** That the costs of the contracts authorized in this ordinance shall be paid from Fund No. 14 SF 036.

**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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 508-10.**

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

**An emergency ordinance appropriating CDBG and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs; and authorizing the Director of Community Development to employ one or more professional consultants to provide property inspections in compliance with Section 8 Housing Quality Standards.**

Whereas, the City of Cleveland has received Community Development Block Grant ("CDBG") Year 36 and Year 2010 Federal HOME Program grants from the United States Government; 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 CDBG and Federal HOME Program funds are appropriated for the administration of the Housing Rehabilitation Programs.

**Section 2.** That the Director of Community Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform property inspections to comply with Section 8 Housing Quality Standards.

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

**Section 3.** That the costs incurred in Sections 1 and 2 of this ordinance may not exceed \$1,740,000 and shall be paid from Fund Nos. 14 SF 036 and 19 SF 640.

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

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

**Ord. No. 509-10.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.**

Whereas, the City of Cleveland has received a Community Development Block Grant ("CDBG"), Year 36 from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year 36 Community Development Block Grant Plan which committed funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

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

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

**Section 1.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for-profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant CDBG Program and are consistent with the City's Community Development objectives and policies.

**Section 2.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.



**Section 3.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

**Section 4.** That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

**Section 5.** That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$8,455,000.00 and any prior years NDA balances and shall be paid from Fund Nos. 14 SF 030, 14 SF 031, 14 SF 032, 14 SF 033, 14 SF 034, 14 SF 035 and 14 SF 036.

**Section 6.** That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

**Section 7.** That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

**Section 8.** That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

from and after the earliest period allowed by law.

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

**Ord. No. 513-10.**

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

**An emergency ordinance to amend the title and Sections 1, 2, 3, 4, 7 and 8 of Ordinance No. 775-07, passed July 11, 2007, relating to the Automatic Water Meter Reading Program; authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide funding for the Program; and to authorize the Director of Public Utilities to enter into an amendment to Contract No. 67994 with CH2M Hill, Inc. to provide project administration services for the implementation of 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 title and Sections 1, 2, 3, 4, 7, and 8 of Ordinance No. 775-07, passed July 11, 2007, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Public Utilities to employ consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary for installing, designing, assessing, administering, training, implementing, testing, integrating, migrating, maintenance and providing incidental equipment and supplies and other services necessary to implement a meter automation, replacement, and water loss control program throughout the Division of Water service area; applying for and accepting a Water Supply Revolving Loan Account loan to provide funding for the Program; determining the method of making the public improvement of installing new equipment, including removing existing equipment if necessary; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement, for the Department of Public Utilities.

**Section 1.** That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland for installing, designing, assessing, administering, training, implementing, testing, integrating, migrating and providing incidental equipment and supplies and other services necessary to implement a meter automation, replacement, and water loss control program throughout the Division of Water service area ("Automatic Meter Reading System Program"), to acquire software licenses, if necessary, and other professional ser-

vices necessary to implement the program and for hardware and software maintenance, support, and training, on an as-needed basis, for a period of one year with three one-year options to renew for additional one-year periods, for the Department of Public Utilities, exercisable at the option of the Director of Public Utilities.

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

**Section 2.** That the Director of Public Utilities is authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$11,000,000 to provide funding for the Automatic Meter Reading System Program.

**Section 3.** That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan which loan agreement shall substantially be in the same form as the agreement contained in File No. \_\_\_\_\_.

The Director of Public Utilities is further authorized to file all papers and execute all documents to receive the funds under the WSRLA Agreement; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreement.

**Section 4.** That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agreement, from the operating revenues of the Division of Water.

**Section 7.** That the Director of Public Utilities is authorized to enter into any third party license agreements, including maintenance and support, necessary to effect the purposes of this ordinance.

**Section 8.** That the cost of the contract, contracts, and contract amendments authorized in this ordinance shall be paid from the fund or funds to which are credited the proceeds of the sale of future waterworks revenue bonds issued for this purpose, from the fund or funds to which are credited the proceeds of the sale of water revenue obligations authorized by Ordinance No. 261-10, from the fund or funds to which are credited the proceeds of the WSRLA loan, and Fund No. 52 SF 001, Request No. 173608.

**Section 2.** That the existing title and Sections 1, 2, 3, 4, 7, and 8 of Ordinance No. 775-07, passed July 11, 2007, are repealed.

**Section 3.** That the Director of Public Utilities is authorized to



enter into an amendment to Contract No. 67994 with CH2M Hill, Inc. to provide project administration services for the implementation of the program.

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

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

**Ord. No. 514-10.**

**By Council Member Kelley.**

**An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants, computer software developers, or vendors to develop a wireless broadband network in Ward 13 as a pilot program and to acquire licenses and other professional services necessary to implement the system, including project management, installing, designing, training, testing, programming, integrating, managing connections, maintenance, technical support, acquiring network equipment and incidental supplies, and other related issues, for the Division of Information Technology and Services, Department of Finance, for a period of three years, with two one year options to renew.**

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

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

**Section 1.** That the Director of Finance is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to develop a wireless broadband network in Ward 13 as a pilot program and to acquire one or more software licenses and other professional services necessary to implement the system, including project management, installing, designing, training, testing, programming, integrating, managing connections, maintenance, technical support, acquiring Network equipment and incidental supplies, and other related issues, for a period of three years, with two one-year options to renew.

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

Law, and approved and certified by the Director of Finance.

**Section 2.** That the Director of Finance is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

**Section 3.** That the cost of the contract or contracts authorized by this ordinance shall be paid from the Ward 13 NCF and NEF accounts Fund No. 10 SF 177 and Fund No. 10 SF 166, and Fund Nos. 11-006, 20-379, 20-393, 20-505, and 20-526.

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

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

**Ord. No. 515-10.**

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

**An emergency ordinance to amend the title and Sections 1 of Ordinance Nos. 658-09, passed June 8, 2009, and 721-09, passed June 8, 2009, relating to grants from Cuyahoga County for the 2007 and 2008 Law Enforcement Terrorism Protection Program; and authorizing the Director of Public Safety to enter into amendments to Contract No. 69633 or contracts with Cogent Systems, Inc. and Contract No. 69451 with Fingerprint USA to implement both grants, and to change the name of the 2007 and 2008 grants from the Law Enforcement Terrorism Protection Program to the State Homeland Security Program.**

Whereas, under Ordinance No. 721-09, passed June 8, 2009, this Council authorized the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the 2007 Law Enforcement Terrorism Protection Program ("LETPP") and to enter into Contract No. 69451 with Fingerprint USA, LLC, to implement the 2007 grant; and

Whereas, additional funding has become available to the City for the 2007 grant; and

Whereas, under Ordinance No. 658-09, passed June 8, 2009, this Council authorized the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the 2008 LETPP; and

Whereas, because both the 2007 and the 2008 LETPP grants will use the same contractors and resources for the same purposes, although for different grant terms, the applicable ordinances should be amended to cover both the 2007 and the 2008 grant terms to ensure continuity of the programs and improve efficiency of delivery and the internal management of both grants; and

Whereas, under Ordinance No. 921-09, passed July 1, 2009, Council authorized the Director of Public Safety to enter into Contract No. 69633 with Cogent Systems, Inc. to provide equipment, install, implement, and provide other services for an Automated Fingerprint Identifi-

cation System ("AFIS"), funded by LETPP, that will be used on a Regional basis by the Cleveland Division of Police and other law enforcement agencies; and

Whereas, in 2010, the State changed the name of the grant program from LETPP to the "State Homeland Security Program"; and

Whereas, additional contracts and contract amendments with, and transfer of equipment to, law enforcement agencies is needed to further implement the AFIS;

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 658-09, passed June 8, 2009, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Public Safety to apply for and accept grant funding from Cuyahoga County for the 2007 and 2008 State Homeland Security Program f.k.a., the Law Enforcement Terrorism Protection Program ("LETPP"); authorizing one or more requirement contracts for the purchase of materials, equipment, supplies, and services; to employ one or more professional consultants to manage the program.

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$734,995.30, and any other funds that may become available during the grant term, from Cuyahoga County to conduct the 2007 and 2008 State Homeland Security Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant agreement and award letter for the grant contained in the file described below.

**Section 2.** That the existing title and Section 1 of Ordinance No. 658-09, passed June 8, 2009, are repealed.

**Section 3.** That Section 1 of Ordinance No. 721-09, passed June 8, 2009, is amended to read as follows:

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of **\$761,671.23**, and any other funds that may become available during the grant term from Cuyahoga County to conduct the 2008 State Homeland Security Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 4.** That Section 1 of Ordinance No. 721-09, passed June 8, 2009, is repealed.

**Section 5.** That the Director of Public Safety is authorized to enter into new contracts or amendments to Contract No. 69633 with Cogent Systems, Inc. and to Contract No. 69451 with Fingerprint USA, LLC, to

implement the 2007 and 2008 grant purposes.

**Section 6.** That the cost of these contracts and/or amendments shall be paid from the fund or funds to which are credited the grant proceeds accepted for the 2007 and 2008 State Homeland Security Programs under Ordinance Nos. 658-09, passed June 8, 2009, and 721-09, passed June 8, 2009.

**Section 7.** That the Director is authorized to enter into agreements with other governmental law enforcement entities for the transfer of automated fingerprint identification system (AFIS) equipment purchased under the grants.

**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 Finance, Law; Committee on Finance.

**Ord. No. 516-10.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 36 from the United States Government; 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 Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 036, RQS 8006 RL 2010-78, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program following the appropriate federal regulations for the Department of Building and Housing, in conjunction with the Community Development Block Grant Program.

**Section 2.** That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

**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 Community Development, Building and Housing, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 517-10.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up 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 Community Development Block Grant funds in the amount of \$750,000 from Fund Nos. 14 SF 036, RQS 8006-RL 2010-0074, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 19 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to implement the Demolition Program and emergency contracts under the Board-up Program.

**Section 3.** That the Director of Building and Housing is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period for the items of labor and materials necessary to implement the Board-up Program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Building and Housing is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Building and Housing by comparing the bids received for both terms.

**Section 4.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of

Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 5.** That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

**Section 6.** That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize the repayments and other program income in a revolving fund for making additional expenditures under this program, and the funds are appropriated for that purpose.

**Section 7.** That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

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

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

**Ord. No. 518-10.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Fair Housing Program; and authorizing the Director of Community Relations to enter into one or more contracts with various agencies to implement this program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 36 from the United States Government; 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 Community Development Block Grant funds in the amount of \$86,000 from Fund No. 14 SF 036, RQS 8006 RL 2010-79, are appropriated for costs of the Department of Community Relations incurred in Fund 19 following the appropriate federal regulations associated with conducting the Fair Housing Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Community Relations is authorized to enter into one or more contracts with various non-profit and for-profit agencies providing services necessary to implement the Fair Housing Program.

**Section 3.** That the cost of the contracts authorized in this ordinance shall not exceed \$86,000 and shall be paid from Fund No. 14 SF 036.

**Section 4.** That prior to expending funds under this ordinance, the Director of Community Relations and the Director of Community Development shall enter into a memorandum of understanding for this program.

**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 Community Development, Community Relations, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 519-10.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with various agencies to implement the Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 36, from the United States Government; 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 Community Development Block Grant funds in the amount of Nine Hundred Ninety Thousand Dollars (\$990,000) from Fund Nos. 14 SF 036, RQS 8006 RL 2010-77, are appropriated for costs of the Department of Parks, Recreation and Properties incurred from Fund 19 following the appropriate federal regulations and associated with conducting the Project Clean Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with various non-profit and for-profit agencies to provide services necessary to implement the Project Clean Program.

**Section 3.** That prior to expending funds under this ordinance, the Director of Parks, Recreation and Properties and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Referred to Directors of Community Development, Parks, Recreation and Properties, Finance, Law; Committees on Community and Economic Development, Public Parks, Properties, and Recreation, Finance.

**Ord. No. 520-10.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 36, from the United States Government; 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 Community Development Block Grant funds in the amount of Two Hundred Sixty Thousand Dollars (\$260,000) from Fund No. 14 SF 036, RQS 8006 RL 2010-81, are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

**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 Community Development, Aging, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 521-10.**

**By Council Member Polensek.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 730 East 155th Street to Most Reverend Richard G. Lennon, Bishop of the Diocese of Cleveland.**

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 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 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 Most Reverend Richard G. Lennon, Bishop of the Diocese of Cleveland.

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

P. P. No. 116-09-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 21 in WA Rose's Subdivision of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 8 of Maps, Page 1 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 155th Street (formerly Otto Street) and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 522-10.**

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

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Cuyahoga County**



**Corrections Planning Board for the Domestic Intervention, Education & Training (D.I.E.T.) Program.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the amount of \$216,060.00, from the Cuyahoga County Corrections Planning Board to conduct the Domestic Intervention, Education & Training (D.I.E.T.) Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the program description for the grant contained in the file described below.

**Section 2.** That the program description for the grant, File No. 522-10-A made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Chief Probation Officer is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

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

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

**FIRST READING EMERGENCY RESOLUTIONS REFERRED**

**Res. No. 510-10.**

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

**An emergency resolution declaring the necessity and intention to appropriate a standard highway easement for the public purpose of improving the turning radius at the intersection of Broadway and Harvard Avenues.**

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 for the public purpose of improving the turning radius at the intersection of Broadway and Harvard Avenues, it is necessary to appropriate a standard highway easement and this Council declares its intent to appropriate the

standard highway easement in and to the following described property located at 8436 Broadway Avenue:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio. Being known as part of Sublot No. 13, in the Woodbridge & Others Subdivision as recorded in Volume 8, Page 30 of Cuyahoga County Plat Records and more definitely described as follows:

Commencing at the intersection of the centerline of Broadway Avenue and the centerline of Harvard Avenue;

Thence South 89° - 45' - 36" West in the centerline of Harvard Avenue, a distance of 65.99 feet to a point;

Thence North 00° - 14' - 24" West, a distance of 30.00 feet to the intersection point of the northerly right-of-way line of Harvard Avenue and the southwesterly right-of-way line of Broadway Avenue; said point is the principal place of beginning;

Thence South 89° - 45' - 36" West in the northerly right-of-way line of Harvard Avenue, a distance of 132.85 feet to a point in the northerly right-of-way line of Harvard Place;

Thence North 41° - 20' - 40" West in the northeasterly right-of-way line of Harvard Place, a distance of 1.00 foot to a point;

Thence easterly in the arc of a curve which deflects to the left, a distance of 71.12 feet to a point of compound curvature; said curve has a radius of 173.50 feet, a central angle of 23° - 29' - 05" and a chord of 70.62 feet which bears North 75° - 40' - 32" East;

Thence in the arc of a curve which deflects to the left, a distance of 37.26 feet to a point of compound curvature; said curve has a radius of 23.50 feet, a central angle of 90° - 50' - 25" and a chord of 33.48 feet which bears North 18° - 30' - 47" East;

Thence in the arc of a curve which deflects to the left, a distance of 15.96 feet to a point; said curve has a radius of 118.50 feet, a central angle of 07° - 42' - 53" and a chord of 15.94 feet which bears North 30° - 45' - 52" West;

Thence North 48° - 39' - 20" East, a distance of 5.31 feet to a point in the southwesterly right-of-way line of Broadway Avenue;

Thence South 41° - 20' - 40" East in the southwesterly right-of-way line of Broadway Avenue, a distance of 88.74 feet to the principal place of beginning;

Enclosing a parcel containing 2422 square feet or 0.0556 acre of land as surveyed by KS Associates, Inc., Engineers and Surveyors, in October of 2009 by David L. Elwell, Registered Surveyor No. 6333.

The bearings cited in the above description are based on C.R.G.S. monumentation.

**Section 2.** That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

**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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Res. No. 511-10.**

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

**An emergency resolution declaring the necessity and intention to appropriate an overhead permanent utility easement for the public purpose of relocating power poles and lines needed to rehabilitate portions of Woodland Avenue and Kinsman Road.**

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 for the public purpose of relocating power poles and lines needed to rehabilitate portions of Woodland Avenue and Kinsman Road, it is necessary to appropriate an overhead permanent easement and this Council declares its intent to appropriate the overhead permanent utility easement in and to the following described property located at 6938 Kinsman Road:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 329. Also being part of the land conveyed to Alfred Jones as recorded in Instrument No. 199910120919 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at the intersection of the southwesterly right of way of Kinsman Road (60 feet wide) and the northwesterly right of way of Sidaway Avenue (50 feet wide);

Thence, along the northwesterly right of way of Sidaway Avenue, South 33° - 00' - 31" West, 33.00 feet;

Thence, leaving said right of way, North 16° - 10' - 33" East, 34.53 feet to the southwesterly right of way of Kinsman Road;

Thence, along said right of way, South 56° - 41' - 18" East, 10.00 feet to the point of beginning.

Containing within said bounds 0.0038 acres (165 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July of 2008.

Bearings are based on the Cleveland Regional Geodetic Survey.

**Section 2.** That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance

which return shall be made in the manner provided by law.

**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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Res. No. 512-10.**

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

**An emergency resolution declaring the necessity and intention to appropriate a temporary easement and to appropriate property for the public purpose of widening a public road in connection with extending Bessemer Avenue.**

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 for the public purpose of widening a public road in connection with extending Bessemer Avenue, it is necessary to appropriate a temporary easement and this Council declares its intent to appropriate temporary easement in and to the following described property located on the westerly side of East 93rd Street between Heath and St. Catherine Avenue:

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

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

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 45.96;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the centerline of Right of Way of East 89th Street to a point in the centerline of Right of Way of St. Catherine Avenue, being in the centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.28;

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the prolongation of the centerline of Right of Way of East 89th Street to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.59;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right

of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 90 + 14.19 and being 15.00 feet right of the centerline of Right of Way of East 88th Street at Station 30 + 63.87;

Thence North 4 degrees 15 minutes 39 seconds West a distance of 116.44 feet along the easterly Right of Way of East 88th Street to a point in Grantor's southerly line, said point being Grantor's southwesterly corner, said point also being the northwesterly corner of land conveyed to the City of Cleveland Land Utilization Program as recorded in Volume 15192, Page 16 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 80.31;

Thence North 89 degrees 14 minutes 41 seconds East a distance of 10.02 feet along the northerly line of land so conveyed and Grantor's southerly line to a point in a proposed Right of Way being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 79.70 and the TRUE POINT OF BEGINNING.

Thence North 04 degrees 15 minutes 39 seconds West a distance of 120.24 feet along said proposed Right of Way to a point in the southerly line of land conveyed to Tennyson Properties Co. as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 32 + 99.94;

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

Thence South 07 degrees 34 minutes 51 seconds East a distance of 120.87 feet to a point in Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed, being 48.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 78.29;

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

The above described area contains 2345 square feet (0.054 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-13-028.

Grantor claims title by instrument(s) of record in Volume 97042, Page 047, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

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

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

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

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

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 45.96;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the centerline of Right of Way of East 89th Street to a point in the centerline of Right of Way of St. Catherine Avenue, being in the centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.28;

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the prolongation of the centerline of Right of Way of East 89th Street to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.59;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 90 + 14.19 and being 15.00 feet right of the centerline of Right of Way of East 88th Street at Station 30 + 63.87;

Thence North 4 degrees 15 minutes 39 seconds West a distance of 423.50 feet along the easterly Right of Way of East 88th Street to a point in Grantor's westerly line, said point also being the northwesterly corner of land conveyed to the Tennyson Properties Co. as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 34 + 87.38;

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

Thence continuing along the northerly line of land so conveyed and Grantor's westerly line southeasterly 16.13 feet along the arc of a curve deflecting to the left, having a radius of 543.24 feet, a central

angle of 01 degrees 42 minutes 04 seconds, a chord bearing of South 32 degrees 54 minutes 42 seconds East and a chord length of 16.13 feet to a point of non tangency in a proposed Right of Way being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 34+68.49 and the TRUE POINT OF BEGINNING.

Thence North 04 degrees 15 minutes 39 seconds West a distance of 44.31 feet along said proposed Right of Way to a point in Grantor's northerly line and the southerly line of land conveyed to the City of Cleveland, Ohio "Land Reutilization Program" as recorded in Volume 5986, Page 024 of Cuyahoga County Records, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 35+12.80;

Thence South 29 degrees 51 minutes 19 seconds East a distance of 23.86 feet along Grantor's northerly line and the southerly line of said City of Cleveland, Ohio "Land Reutilization Program" land so conveyed to a point 35.31 feet right of centerline of Right of Way of East 88th Street at Station 34+91.28;

Thence South 05 degrees 57 minutes 22 seconds East a distance of 42.28 feet to a point of non tangential curvature in Grantor's westerly line and the northerly line of said Tennyson Properties Co. land so conveyed, being 36.56 feet right of centerline of Right of Way of East 88th Street at Station 34+49.02;

Thence along Grantor's westerly line and the northerly line of said Tennyson Properties Co. land so conveyed, northwesterly; 22.65 feet along the arc of a curve deflecting to the right, having a radius of 543.24 feet, a central angle of 02 degrees 23 minutes 18 seconds, a chord bearing of North 34 degrees 57 minutes 23 seconds West and a chord length of 22.64 feet to the TRUE POINT OF BEGINNING.

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

Grantor claims title by instrument(s) of record in Volume 97042, Page 047, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

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

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

**Section 2.** That for the public purpose of widening a public road in connection with extending Bessemer Avenue, it is necessary to appropriate in fee simple interest and this Council declares its intent to appro-

appropriate the fee simple interest in and to the following described property located on the westerly side of East 93rd Street between Heath and St. Catherine Avenue

TO BE CONVEYED TO THE  
CITY OF CLEVELAND  
PARCEL 16 - WD1

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

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92+45.96;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the centerline of Right of Way of East 89th Street to a point in the centerline of Right of Way of St. Catherine Avenue, being in the centerline of Right of Way of St. Catherine Avenue at Station 92+46.28;

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the prolongation of the centerline of Right of Way of East 89th Street to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92+46.59;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 90+14.19 and being 15.00 feet right of the centerline of Right of Way of East 88th Street at Station 30+63.87;

Thence North 04 degrees 15 minutes 39 seconds West a distance of 116.44 feet along the easterly Right of Way of East 88th Street to a point in Grantor's southerly line, said point being Grantor's southwesterly corner, said point also being the northwesterly corner of land conveyed to the City of Cleveland Land Utilization Program as recorded in Volume 15192, Page 16 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 31+80.31 and the TRUE POINT OF BEGINNING.

Thence continuing North 04 degrees 15 minutes 39 seconds West a distance of 120.24 feet along the easterly Right of Way of East 88th Street to the southwesterly corner of land conveyed to Tennyson Properties Co. as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 33+00.56;

Thence North 89 degrees 14 minutes 41 seconds East a distance of 10.02 feet along the southerly line of said Tennyson Properties Co. land so conveyed to a point in a proposed Right of Way being 25.00 feet right

of centerline of Right of Way of East 88th Street at Station 32+99.94;

Thence South 04 degrees 15 minutes 39 seconds East a distance of 120.24 feet along said proposed Right of Way to a point in Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 31+79.70;

Thence South 89 degrees 14 minutes 41 seconds West a distance of 10.02 feet along Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program' land so conveyed to a point in the easterly Right of Way of East 88th Street and the TRUE POINT OF BEGINNING.

The above described area contains 1203 square feet (0.028 acres), more or less, of which the present road occupies 0 square feet (0.000 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-13-028 resulting in a net take of 1203 square feet (0.028 acres), more or less.

Grantor claims title by instrument(s) of record in Volume 97042, Page 047, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

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

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

TO BE CONVEYED TO THE  
CITY OF CLEVELAND  
PARCEL 16 - WD2

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

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92+45.96;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the centerline of Right of Way of East 89th Street to a point in the centerline of Right of Way of St. Catherine Avenue, being in the centerline of Right of Way of St. Catherine Avenue at Station 92+46.28;

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the prolongation of the centerline of Right of Way of East 89th Street to a point in the northerly Right of Way



of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.59;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 90 + 14.19 and being 15.00 feet right of the centerline of Right of Way of East 88th Street at Station 30 + 63.87;

Thence North 4 degrees 15 minutes 39 seconds West a distance of 423.50 feet along the easterly Right of Way of East 88th Street to a point in Grantor's westerly line, said point also being the northwesterly corner of land conveyed to the Tennyson Properties Co. as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 34 + 87.38 and the TRUE POINT OF BEGINNING.

Thence North 04 degrees 15 minutes 39 seconds West a distance of 46.30 feet along Grantor's westerly line and the easterly Right of Way of East 88th Street to a point in Grantor's northerly line and the southerly line of land conveyed to the City of Cleveland, Ohio "Land Reutilization Program" as recorded in Volume 5986, Page 024 of Cuyahoga County Records, being 15.24 feet right of centerline of Right of Way of East 88th Street at Station 35 + 32.96;

Thence South 29 degrees 51 minutes 19 seconds East a distance of 23.15 feet along Grantor's northerly line and the southerly line of said City of Cleveland, Ohio "Land Reutilization Program" land so conveyed to a point in a proposed Right of Way being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 35 + 12.80;

Thence South 04 degrees 15 minutes 39 seconds East a distance of 44.31 feet along said proposed Right of Way to a non tangential point of curvature in the northerly line of said Tennyson Properties Co. land so conveyed and Grantor's westerly line, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 34 + 68.49;

Thence along Grantor's westerly line and the northerly line of said Tennyson Properties Co. land so conveyed, northwesterly; 16.13 feet along the arc of a curve deflecting to the right, having a radius of 543.24 feet, a central angle of 01 degrees 42 minutes 04 seconds, a chord bearing of North 32 degrees 54 minutes 42 seconds West and a chord length of 16.13 feet to a point of tangency 17.27 feet right of centerline of Right of Way of East 88th Street at Station 34 + 82.64;

Thence North 29 degrees 50 minutes 19 seconds West a distance of 5.25 feet along Grantor's westerly line and the northerly line of said Tennyson Properties Co. land so conveyed to the TRUE POINT OF BEGINNING.

The above described area contains 456 square feet (0.010 acres), more or less, of which the present road

occupies 0 square feet (0.000 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-13-030 resulting in a net take of 456 square feet (0.010 acres), more or less.

Grantor claims title by instrument(s) of record in Volume 97042, Page 047, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

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

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

**Section 3.** That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

**Section 4.** 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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

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

**Res. No. 524-10.**

**By Council Member Sweeney.**  
**An emergency resolution fixing the 2010 summer schedule of meetings of the Council of the City of Cleveland.**

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 the schedule of meetings during the summer months of the Council of the City of Cleveland is hereby fixed as follows:

July 14, 2010  
August 18, 2010

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be

prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 13, 2010.

**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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 525-10.**

**By Council Member Brancatelli.**  
**An emergency resolution objecting to the transfer of Liquor License of a C2 and C2X Liquor Permit to 7025 Fleet Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 and C2X Liquor Permit from Mona Dakdouk, DBA Gaza Market, 5407 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 1907286 to Fleet Gas Mart, Inc., 7025 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 2772868; 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 transfer of Liquor License of a C2 and C2X Liquor Permit from Mona Dakdouk, DBA Gaza Market, 5407 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 1907286 to Fleet Gas Mart, Inc., 7025 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 2772868, 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 526-10.**

**By Council Member Mitchell.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 7819-21 Cedar Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Nijmah Food Co., LLC, DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 6412877 to Taye, Inc., DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 8814581; 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 C2 and C2X Liquor Permit from Nijmah Food Co., LLC, DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 6412877 to Taye, Inc., DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 8814581; 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 527-10.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to a New C2 and D6 Liquor Permit at 2625 East 55th Street and repealing Resolution No. 104-10, objecting to said permit.**

Whereas, this Council objected to a New C2 and D6 Liquor Permit to 2625 East 55th Street by Resolution No. 104-10 adopted by the Council on January 25, 2010; 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 C2 and D6 Liquor Permit to 2625 East 55th Street Gas, Inc., DBA East 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9116701 be and the same is hereby withdrawn and Resolution No. 1191-05, 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 196-10.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. 68925 with Innovata, LLC to provide professional services necessary to design, install, operate and maintain interactive flight guides on Cleveland Hopkins International Airport's website, and to perform other related web development for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. In Section 1, line 3, strike "\$14,400" and insert "**\$15,000**"; and at the end, add the following: "**(RQS 3001 RL 2010-40)**".

Amendment agreed to.

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

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 405-10.**

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

An emergency ordinance to amend Section 196.03 of the Codified Ordinances of Cleveland, Ohio, 1976 as enacted by Ordinance No. 878-09, passed July 1, 2009, relating to parking occupancy tax imposed.

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

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

**Ord. No. 407-10.**

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

An emergency ordinance authorizing the Director of Port Control to exercise an option to renew Contract No. 68361 with Inland Waters of Ohio, Inc. to provide for oil/water separator maintenance, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

**Ord. No. 408-10.**

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

An emergency ordinance authorizing the Director of Port Control to exercise an option to renew Contract No. 68428 with Inland Waters of Ohio, Inc. to provide for environmental emergency response services, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

**MOTION**

By Council Member Keane, seconded by Council Member Dow, and unanimously carried, that the absence of Council Member Kevin Conwell be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 7:45 p.m. to meet on Monday, April 26, 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**

April 14, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 14, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Director Bahhur, Directors Wasik, Carroll, Flask, Acting Direc-

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

Absent: Mayor Jackson and Director Withers.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natoya Walker, Acting Director, Office of Equal Opportunity.

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

**Resolution No. 138-10.**

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by products during the month of March, 2010 in the amount of \$4,535.30, attached and made a part of this resolution, is received, approved and ordered filed.

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

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 139-10.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Stark Metal Sales, Inc., for an estimated quantity of miscellaneous size steel, for all items, for the various divisions of City government, for a period of six months, beginning with the date of execution of the contract, received on March 12, 2010, under the authority of Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$88,915.20, 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 \$4,445.76.

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: Directors Triozzi, Dumas, Acting Director Bahhur, Directors Wasik, Carroll, Flask, Acting Director Johnson, Director Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 140-10.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 134-10, adopted March 31, 2010, rejecting all bids received on March 4, 2010 for the public improvement of the Kamm's Corners Streetscape, Phase 3, for the Division of Engineering and Construction, Department of Public Service, under the authority of Ordinance Nos. 2457-02, 319-09, 1159-09, 1789-09, and 367-10, passed by the Council of the City of Cleveland on March 10, 2003, March 16, 2009, August 5, 2009, August 5, 2009, and March 22, 2010, respectfully, is rescinded.

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

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 141-10.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Terrace Construction Company, Inc. for the public improvement of the Kamm's Corners Streetscape, Phase 3, Bid Item Nos. 1-158, for the Division of Engineering and Construction, Department of Public Service, received on March 4, 2010, under the authority of Ordinance No. 2457-02, passed by the Cleveland City Council March 10, 2003, and Ordinance No. 319-09, passed by the Cleveland City Council March 16, 2009, as amended by Ordinance No. 1786-09, passed December 7, 2009, and Ordinance No. 367-10, passed March 22, 2010, upon a unit basis for the improvement, in the aggregate amount of \$1,109,086.50, is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

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

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 142-10.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1847-08, passed by the Council of the City of Cleveland on January 26, 2009, as amended by Ordinance No. 1417-09, passed September 28, 2009, Executive Caterers ("Concessionaire") is selected, on nomination of the Directors of Parks, Recreation & Properties and Public Utilities from a list of firms submitting competitive proposals, as the firm to be employed by contract to operate first class food and beverage service concessions at the Convention Center, effective January 1, 2010, for a period of up to 3



years, with two one year options to renew. The Directors of Parks, Recreation & Properties and Public Utilities are authorized to enter into a concession agreement with the Concessionaire to provide those services at the Convention Center for a concession fee consisting of 15% of gross sales and 1% of annual gross sales for utilities, with Concessionaire having a one time concession fee credit of \$6,000.00.

Be it further resolved that the employment of the following subcontractor by Concessionaire for the above mentioned concession agreement is approved:

**SUBCONTRACTOR      PERCENTAGE**

English Concessions  
(MBE)                      To be determined

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

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 143-10.**

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. 120-10-127, located at 11717 Kelton Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1726-09, passed March 8, 2010, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, James Williams has 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. 1726-09, passed March 8, 2010, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with James Williams for the sale and development of Permanent Parcel No. 120-10-127, 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: Directors Triozzi, Dumas, Acting Director Bahhur, Directors Wasik, Carroll, Flask, Acting Director Johnson, Director Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 144-10.**

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. 138-15-064, located at 4300 East 124th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1598-09, passed March 8, 2010, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Doris Jones, George Lentvor, Jake Williams, Edwina Cook, Gurlena Al-Khabir, Raymond Owens-Johnson, Sharon Deloach and Lawrence Williams 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. 1598-09, passed March 8, 2010, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Doris Jones, George Lentvor, Jake Williams, Edwina Cook, Gurlena Al-Khabir, Raymond Owens-Johnson, Sharon Deloach and Lawrence Williams for the sale and development of Permanent Parcel No. 138-15-064, 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: Directors Triozzi, Dumas, Acting Director Bahhur, Directors Wasik, Carroll, Flask, Acting Director Johnson, Director Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

**Resolution No. 145-10.**

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. 007-29-097 located at 4008 Trent Avenue in Ward 15; 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, Patricia Goins, 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 15 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 Patricia Goins for the sale and development of Permanent Parcel No. 007-29-097 located at 4008 Trent 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: Directors Triozzi, Dumas, Acting Director Bahhur, Directors Wasik, Carroll, Flask, Acting Director Johnson, Director Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Withers.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, MAY 3, 2010**

**9:30 A.M.**

**Calendar No. 10-43:** 3741-65 Ridge Road (Ward 15)

Danmaur Investments Ltd., owner, and Bachir and Johnny Fagher, lessees, appeal to change use from a gas station to a vehicle repair garage an existing building on acreage located in a Semi-Industry District; subject to the requirements in Sections 352.08 through 352.11, a 6 foot wide frontage landscape strip is required where the parking lot borders the street, and pursuant to Section 349.07(b), accessory off-street parking spaces shall be provided with wheel or bumper guards, and Section 349.04(g) requires parking for a repair garage use to equal one space for each 500 square feet of gross floor area, and a parking space shall equal 180 square feet as stated in Section 325.03 of the Cleveland Codified Ordinances.

**Calendar No. 10-44:** 4910-16 Pearl Road (Ward 13)

Alexandros Bratsis, owner, and Gregory Glaros, lessee, appeal to change use from office to a private social club consisting of a bar, a stage, a DJ booth and live entertainment in a first floor space of an existing two-story mixed use building, located on a 94' x 189.03' corner parcel in a Local Retail Business District; subject to the limitations of Section 343.01, the proposed use is not permitted and is first allowed in a General Retail Business District, provided that it is at least a distance of 500 feet from a residence district and it is within 50 feet of a residence district, where a parking area equal to 3,900 square feet is required for the proposed use and contrary to Section 349.04(e), parking that is proposed serves other residential and retail uses of the building on the same lot and is not a dedicated 3,900 square feet of new parking area; and provisions of Sections 325.03 and 349.07 require that parking areas must contain striped marked spaces and be graded for drainage within the lot and no striping nor drainage is shown on the plan.

**Calendar No. 10-46:** 1030 East 62nd Street (Ward 7)

Dobb, Inc., owner, and Solomon Doibo appeal to establish use as a restaurant, appliance warehouse and transportation company in an existing two-story building located on an 80' x 146.13' lot in an RA (Residential Attached) -2 District; contrary to Section 337.031(c) of the Cleveland Codified Ordinances that limits permitted uses in Townhouse (Residential Attached) Districts to townhouse buildings and all main and accessory uses per-

mitted and as regulated in Two-Family Districts.

**Calendar No. 10-48:** 16616 Stockbridge Avenue (Ward 1)

Becky Joyner, owner, appeals to install approximately 90 linear feet of privacy fence 9 feet high in the actual side yard of a 45' x 144.15' parcel in an A1 One-Family District; contrary to the Fence Regulations that prohibit a fence that exceeds 6 feet in height in the actual side yard of a residence district and state that it shall not be higher than its distance from a residence building on an adjacent property, according to Section 358.04(a) of the Cleveland Codified Ordinances.

**Calendar No. 10-49:** 3535 East 116th Street (Ward 6)

BR116, LLC, owner, and Lynette Franklin, Lessee, appeal to establish a Type A Day Care use for 12 children in a residence located on a 35' x 125' parcel in a B1 Two-Family District; contrary to Section 337.03 the use is abutting a premises and it must be a distance of 30 feet from an adjoining premises in a residence district; and a day care use must be approved by the Board of Zoning Appeals, upon public notice and a hearing to determine that adequate yard space and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board such buildings and uses are appropriately located and designed to meet a community need without adversely affecting the neighborhood, as regulated in Section 337.02(f) of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, APRIL 19, 2010**

At the meeting of the Board of Zoning Appeals on Monday, April 19, 2010, the following appeals were heard by the Board.

The following appeal was **Approved:**

**Calendar No. 10-37:** 4914 Old Grayton Road

Canal Road partners, owner, and Clear Channel Outdoor, lessee, appealed to replace an existing billboard panel with changeable copy, digital electronic display of the same size in a General Industry District.

The following appeal was **Denied:**

**Calendar No. 10-12:** Appeal Notice and Order of Declaration of Nuisance — 4325 West 49th Street

James L. Hungerford appealed from the decision of the Director of Public Safety, City of Cleveland, to

issue a Notice and Order of Declaration of Nuisance for the property at 4325 West 49th Street.

**Calendar No. 10-17:** 5608 Hough Avenue

LTF 55 Properties Ltd, owner, and Tomco Metal Fabricating, lessee, appealed to establish use as a commercial scrap, salvage metal operation in a Semi-Industry District.

**Calendar No. 10-18:** 5614 Hough Avenue

LTF 55 Properties Ltd, owner, and Tomco Metal Fabricating, lessee, appealed to establish use as a commercial scrap, salvage metal operation in a Semi-Industry District.

**Calendar No. 10-19:** 5616 Hough Avenue

LTF 55 Properties Ltd, owner, and Tomco Metal Fabricating, lessee, appealed to establish use as a commercial scrap, salvage metal operation in a Semi-Industry District.

The following appeal was **Withdrawn:**

**Calendar No. 10-38:** 17570 Lakeshore Boulevard

CMR Properties, owner, and Larry Jackson, lessee, appealed to change use from a store to a barbershop a first floor space of a two-story building in a Multi-Family District.

The following appeals were **Postponed:**

**Calendar No. 10-34:** 16569 St. Clair Avenue postponed to June 1, 2010.

**Calendar No. 10-41:** 13835 Lorain Avenue postponed to May 10, 2010.

The following appeal was **Dismissed:**

None.

The following appeal heard by the Board on April 12, 2010 was adopted and approved on April 19, 2010.

The following appeal was **Approved:**

**Calendar No. 10-36:** 12502 Larchmere Boulevard

12502 Larchmere Ltd appealed to convert a utility building to a bar and to add a covered patio to a bar/restaurant in a Local Retail Business District; subject to condition.

The following appeal heard by the Board on February 22, 2010 was adopted and approved on April 19, 2010.

**Calendar No. 09-245:** 3926 Valley Road (Ward 3)

Valley Road Properties, owner, and Verizon Wireless, prospective lessee, appealed to erect a 160' high telecommunications tower and equipment shelter on acreage in a Single Family District.

Secretary

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

Re: Report of the Meeting of  
March 31, 2010

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

\* \* \*

**Docket A-333-09.**

RE: Appeal of Albert J. Hornyak, Trustee, Trustee of the U Utility — Towers, Tanks, Sheds, Fences Over 8' One Story Metal Frame Property located on the premises known as 1800 Spring Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 24, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain the required permits and sixty (60) days from today in which to make substantial progress on the abatement of the violations, noting that continued time will be granted, if substantial progress is being made. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motioned by Mr. Bradley and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-348-09.**

RE: Appeal of Ebony Gill, Owner of the Two Dwelling Units Two-Family Residence Garage Property located on the premises known as 12716 Brackland Avenue from a CONDEMNATION ORDER, dated July 31, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and ninety (90) days in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-363-09.**

RE: Appeal of Linda V. Wolf, Owner of the One Dwelling Unit Single Family Residence Two and

One/half Story Property located on the premises known as 14628 Westland Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated September 16, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of the violations, noting satisfactory progress on the project to date. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-366-09.**

RE: Appeal of Jitendra Kapasi, Owner of the One Dwelling Unit Single Family Residence Two and One/half Story Frame Property located on the premises known as 2139 West 85th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 2, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) day sin which to make good progress on the project. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that continued time is at the discretion of the Department of Building and Housing at the end of the thirty (30) days. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-368-09.**

RE: Appeal of Mark Fox-Morgan, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 3240 East 49th Street from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated August 6, 2008 of the Director of the Department of Building and Housing requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one hundred twenty (120) days in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

**Docket A-370-09.**

RE: Appeal of Nathmi Iwais, Owner of the B Business — Offices, Laboratories, Adult School One Story Masonry Property located on the premises known as 3612 Clark Avenue from a NOTICE OF VIOLATON — UNAUTHORIZED/ILLEGAL USE, dated October 7, 2009 of the Director of the Department of Building and Housing requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a sixty (60) extension on the property. The docket will remain open. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-371-09.**

RE: Appeal of Denise Williams, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 2100 West 85th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 8, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-375-09.**

RE: Appeal of Thor Real Estate, LLC, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 1360 East 93rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 2, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of the violations, noting that permits have been obtained and work is in progress. The property is REMANDED the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.



**Docket A-376-09.**

RE: Appeal of Thor Real Estate, LLC, Owner of the One Dwelling Unit Single Family Residence Two and One/half Story Frame Property located on the premises known as 1328 East 124th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 24, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one hundred twenty (120) days in which to arrange and have demolition provided for the property as planned. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-378-09.**

RE: Appeal of Stewardship Fund, LP, Owner of the One Dwelling Unit single Residence Two and One/half Story Frame Property located on the premises known as 904 Parkwood Drive from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated September 24, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-379-09.**

RE: Appeal of Nick Dionisopoulos, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 4005 Archwood Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 6, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

**Docket A-380-09.**

RE: Appeal of Roosevelt Tinnin, Owner of Three Dwelling Units Three-Family Residence Two and One/half Story Frame Property located on the premises known as 897 Thornhill Drive from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 29, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal for additional time, noting that the Building Department has agreed to assist the appellant in residency and observe carefully the rehabilitation of the project. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-381-09.**

RE: Appeal of UrSur Development, Inc., Owner of the One Dwelling Unit Single-Family Residence Two and One/half Story Frame Property located on the premises known as 15407 Macauley Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 7, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and one hundred twenty (120) days in which to abate all violation. The property is REMANDED to the Department of Building and Housing for supervision and any required further action, based on the circumstances presented. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-382-09.**

RE: Appeal of World Pentecostal Church, Owner of the A-3 Assembly — Recreation or Religious Facilities two & One/half Story Masonry Semi-Industry Property located on the premises known as 1791 East 55th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 13, 2006 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal based on the condition of the property and the financial situation of the property owner. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required

further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-383-09.**

RE: Appeal of Woodrow Garrick, Owner of the Property located on the premises known as 1795 East 55th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 22, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant fourteen (14) days in which to obtain permits and ninety (90) days in which to complete abatement of the violations. The property is REMANDED at this time to the department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-386-09.**

RE: Appeal of Ohio Redevelopment Group, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 3568 East 120th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 27, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3568 East 120th Street to the Department of Building and Housing for supervision and any required further action, noting the condition of the property represented by the photos and the lack of attendance by the appellant to address the issues. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-387-09.**

RE: Appeal of DeWayne McBride, Owner of the One Dwelling Unit Single Family Residence One and One/half Story Frame Property located on the premises known as 10315 Gay Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 2, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant fourteen (14) days in which to obtain all permits, noting that the existing permits previously

obtained can be extended; and to grant the Appellant ninety (90) days in which to abate all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-388-09.**

RE: Appeal of Antwan Golphin, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 8915 St. Catherine Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 1, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant fourteen (14) days in which to obtain all permits, noting that the existing permits previously obtained can be extended; and to grant the Appellant ninety (90) days in which to abate all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-389-09.**

RE: Appeal of Rachel R. Calgie, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 2189 East 36th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 30, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and sixty (60) days in which to demolish the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-390-09.**

RE: Appeal of Rachel R. Calgie, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 2193 East 36th Street from a CONDEMNATION ORDER — MAIN STRUCTURE,

dated September 30, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and one hundred twenty (120) days in which to complete abatement of the violations or make progress satisfactory to the City to allow extension of time. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-391-09.**

RE: Appeal of Wells Fargo Bank, N.A., Owner of the One Dwelling Unit Single-Family Residence One and One/half Story Frame Property located on the premises known as 2418 West 6th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 16, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, accepting and based on the testimony presented, a motion is in order at this time to find that the Condemnation Order — Main Structure was properly issued, that Wells Fargo is no longer, in fact, not an equity owner. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-393-09.**

RE: Appeal of Yaser Naijar & Subhi Allan, Owners of the MXD Mixed Uses - Multiple Uses In One Building Two and One/half Story Masonry Walls/Wood Floors Property located on the premises known as 16921 E. St. Clair Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 02, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 16921 E. St. Clair Avenue to the Department of Building and Housing for supervision and any required further action, noting that the Condemnation Order — Main Structure was properly served and that the new owners are aware of the situation. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

**Docket A-394-09.**

RE: Appeal of Andrew Gorski, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 3442 West 97th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 11, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to uphold the Condemnation Order — Main Structure and to REMAND the property at 3442 West 97th Street to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-395-09.**

RE: Appeal of Linda L. Welch C/O LWK Development, LLC, Owner of the One Dwelling Unit Single Family Residence Two Story Frame Property located on the premises known as 2840 East 122nd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 11, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 2840 East 122nd Street to the Department of Building and Housing for supervision and any required further action, noting that the Appellant has pulled permits and is proceeding with abatement of the violations. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**EXTENSION OF TIME:**

**Docket A-212-09 — Christian Smith — 2476 East 86th Street:**

A motion is in order at this time to DENY the request for an "Extension Of Time" and to REMAND the property at 2476 East 86th Street to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Denk.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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Resolutions from March 31, 2010 Board meeting will be Adopted on April 28, 2010.

\* \* \*

Minutes from March 31, 2010 Board meeting will be Adopted on April 28, 2010.

\* \* \*

Secretary

**PUBLIC NOTICE**

**PUBLIC NOTICE**

**THE FOLLOWING ISSUES WILL BE ON THE BALLOT IN THE CITY OF CLEVELAND FOR THE MAY 4, 2010 PRIMARY ELECTION.**

**For more information, see [www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org).**

**ISSUE 18**

**PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND**

*Placed on the ballot by Ordinance No. 174-10, passed by Cleveland City Council on February 8, 2010. A majority affirmative vote by electors in the City of Cleveland at the Primary Election of May 4, 2010 is necessary for passage.*

**Shall Section 25-1 of the Charter of the City of Cleveland be amended to read as follows:**

**§ 25-1 Reapportionment of Wards**

Commencing with the Federal census decennially taken in the closest proximity to January 1, 2010, and following each subsequent Federal decennial census, the Council no later than April 1 prior to the next regular municipal election shall reapportion the wards of the City, provided however that if the proclamation by the Secretary of State stating the population of cities in Ohio as determined by any such Federal census occurs in any year when the City conducts a regular Municipal election and the proclamation of the Secretary of State occurs less than 120 days before the date for filing nominating petitions for the election under Charter Section 8, the reapportionment of wards under this section shall be effective by no later than April 1 prior to the next regular Municipal election four years thereafter and for all subsequent elections for City offices until the next decennial Federal census. The number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the following table that reflects a ratio of one ward for every 25,000 people based on the estimated population figure contained in the proclamation of the Secretary of State:

If the City's population is:

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

More than 575,000 .....	25
575,000 or less but more than 525,000 .....	23
525,000 or less but more than 475,000 .....	21
475,000 or less but more than 425,000 .....	19
425,000 or less but more than 375,000 .....	17

375,000 or less but more than 325,000 .....	15
325,000 or less but more than 275,000 .....	13
275,000 or less .....	11

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

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

**ISSUE 19**

**PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND**

*Placed on the ballot by Ordinance No. 175-10, passed by Cleveland City Council on February 8, 2010. A majority affirmative vote by electors in the City of Cleveland at the Primary Election of May 4, 2010 is necessary for passage.*

**Shall Section 200-1 of the Charter of the City of Cleveland be amended to read as follows:**

**§ 200-1 Charter Review Commission**

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

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

Within thirty days after selection the members shall meet, choose a Chairman and Secretary, and adopt rules to govern the procedure of the Commission. The Commission may employ necessary assistants and professional services as it deems necessary, within the funds appropriated for this purpose.

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

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

April 14, 2010, April 21, 2010 and April 28, 2010

**PUBLIC NOTICE**

**Notice of Public Meeting of the City of Cleveland Records Commission**

Notice is hereby given in accordance with Charter 149 of the Ohio Revised Code and Charter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland City Records Commission will hold a public meeting on Thursday, May 6, 2010 at 9:30 A.M. in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

April 21, 2010, April 28, 2010 and May 5, 2010

**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 applica-**



tions 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."

**THURSDAY, APRIL 29, 2010**

**File No. 65-2010 — Summer Food Program (Breakfasts and Lunches)**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1593-09, passed by the Council of the City of Cleveland, November 30, 2009.

THERE WILL BE A **MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:00 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

**File No. 66-2010 — Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1593-09, passed by the Council of the City of Cleveland, November 30, 2009.

THERE WILL BE A **MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:30 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

April 14, 2010 and April 21, 2010

**FRIDAY, APRIL 30, 2010**

**File No. 67-2010 — Purchase Golf Course Food and Paper Products**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:30 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**File No. 68-2010 — Purchase Golf Course Beverages**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**

THURSDAY, APRIL 22, 2010 AT 10:00 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2010 and April 21, 2010

**WEDNESDAY, MAY 5, 2010**

**File No. 58-2010 — Safe Routes to Schools Project — Louisa May Alcott School, Willow School and Stockyard Community School**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1589-08, passed by the Council of the City of Cleveland, December 15, 2008.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).** THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 9:00 A.M., THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 14, 2010 and April 21, 2010

**THURSDAY, MAY 6, 2010**

**File No. 59-2010 — Central Avenue Rehabilitation (East 55th Street to East 79th Street)**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 673-09, passed by the Council of the City of Cleveland, June 8, 2009.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).** THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:00 A.M., THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 14, 2010 and April 21, 2010

**FRIDAY, MAY 7, 2010**

**File No. 60-2010 — Fence Installation, Maintenance and/or Repair (Re-Bid)**, for the Divisions of Water Pollution Control, Water and Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 395-05, passed by the Council of the City of Cleveland, April 20, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, APRIL 23, 2010 AT 11:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44135.**

**File No. 61-2010 — Labor and Materials Necessary to Maintain and Replace Interior Plants**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, APRIL 23, 2010 AT 10:00 A.M., THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.**

April 14, 2010 and April 21, 2010

**THURSDAY, MAY 13, 2010**

**File No. 62-2010 — Labor and Materials Necessary to Clean the West Side Market (Re-Bid)**, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING TUESDAY, APRIL 27, 2010 AT 10:00 A.M. THE WEST SIDE MARKET, LOADING DOCK, 1979 WEST 25TH STREET, CLEVELAND, OHIO 44113 (REAR LOADING DOCK).**

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

**File No. 63-2010 — Suburban Water Main Improvements, City of Euclid, Ohio, East 252nd Street from Treadwell Avenue to Babbitt Road and East 276th Street from Mills Avenue to Euclid Avenue**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1928-07, passed by the Council of the City of Cleveland, December 10, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 2:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 14, 2010 and April 21, 2010

**FRIDAY, MAY 14, 2010**

**File No. 64-2010 — Cleveland Water Main Replacement East 22nd Street, East 113th Street and Everett Court Phase 2**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1541-09, passed by the Council of the City of Cleveland, December 7, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 22, 2010 AT 3:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2010 and April 21, 2010

**THURSDAY, MAY 27, 2010**

**File No. 57-2010 — 2nd Floor Mechanical and Electrical Rehabilitation WBS No. A381-3**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 359-05, passed by the Council of the City of Cleveland, May 2, 2005.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** WEDNESDAY, APRIL 28, 2010 AT 10:00 A.M., THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

April 14, 2010 and April 21, 2010

**WEDNESDAY, MAY 12, 2010**

**File No. 75-2010 — Group V Copiers (Re-Bid)**, for the Division of Printing and Reproduction, Department of Finance, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 29, 2010 AT 10:30 A.M. THE DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 21, 2010 and April 28, 2010

**THURSDAY, MAY 13, 2010**

**File No. 73-2010 — Various Vehicle and Equipment Lubricants**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 30, 2010 AT 10:30 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44108.

**File No. 74-2010 — Labor and Materials to Maintain Electronic Security Systems**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 900-09, passed by the Council of the City of Cleveland, August 5, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, MAY 5, 2010 AT 10:00 A.M. THE NOTTINGHAM WATER PLANT, NOTTINGHAM TRAINING CENTER, 1300 CHARLTON ROAD, CLEVELAND, OHIO 44117.

**File No. 76-2010 — Maintaining Detention Facilities and Structures (Re-Bid)**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 809-08, passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 30, 2010 AT 10:30 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

April 21, 2010 and April 28, 2010

**FRIDAY, MAY 14, 2010**

**File No. 71-2010 — Constructing and Repairing Catch Basins and Manholes at Various Locations Throughout the City 2010-2011**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.291, of the Codified Ordinances of Cleveland, Ohio 1976.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 30, 2010 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

April 21, 2010 and April 28, 2010

**WEDNESDAY, MAY 19, 2010**

**File No. 72-2010 — Labor and Materials Necessary to Maintain and Repair Pump Stations**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 3, 2010 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**File No. 70-2010 — Water Main Replacements South Park Blvd., Broxton Road and Morley Road, in The City of Shaker Heights, Ohio Construction Contract No. 1**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1928-07, passed by the Council of the City of Cleveland, December 10, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 3, 2010 AT 10:00 A.M. THE PUBLIC UTILITIES AUDITORIUM BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 21, 2010 and April 28, 2010

**THURSDAY, MAY 20, 2010**

**File No. 69-2010 — Water Main Replacements Chalfant Road, Avalon Road, Latimore Road and Helen Road in The City of Shaker Heights, Ohio Construction Contract No. 2**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1928-07, passed by the Council of the City of Cleveland, December 10, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 3, 2010 AT 10:00 A.M. THE PUBLIC UTILITIES AUDITORIUM BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 21, 2010 and April 28, 2010

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 369-10.**

**By Council Member Cimperman.**

**An emergency resolution relating to the Downtown Cleveland Improvement District as a special improvement district within the city; declaring it necessary to provide for additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the Downtown Cleveland Improvement District; and providing for the assessment of the cost and expense of such work upon benefited property in the Downtown Cleveland Improvement District and declaring an emergency.**

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 Resolution No. 1386-05, adopted August 3, 2005, established the Downtown Cleveland Improvement District consisting generally of that portion of the City which is bounded on the North by the Conrail lines and Front Avenue; on the South by Eagle Avenue and Webster Avenue; on the East by East 18th Street; and on the West by West 10th Street and the Cuyahoga River, as more particularly described in the Articles of Incorporation on file with the Clerk of Council in that resolution and collective economic development and marketing of the Downtown Cleveland Improvement District.

**Section 2.** That Resolution No. 272-10, adopted March 8, 2010, accepted the Petition of the property owners in the Downtown Cleveland Improvement District and a comprehensive services plan (the "Plan") for the continuation of operations of the Downtown Cleveland Improvement District.

**Section 3.** That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland to provide additional security for the Downtown Cleveland Improvement District, additional cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District and collective economic development and marketing of the Downtown Cleveland Improvement District for a five-year period commencing after passage of the ordinance to proceed in this matter.

**Section 4.** That it is determined that the property contained within the Downtown Cleveland Improvement District will be specially benefited by the above described public services and shall be assessed to pay for the cost of the services, calculated in proportion to the benefits that may result from the services.

**Section 5.** That the Plan on file in File No. 272-10-A is approved at an estimated cost of \$18,688,005.81.

**Section 6.** That the entire cost of the Plan in the Downtown Cleveland Improvement District be specially assessed in proportion to the benefits that may result from the services within the Cleveland Downtown Improvement District. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances, the costs incurred in connection with the preparation, levy, and collection of the special assessments, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

**Section 7.** That the assessments to be levied shall be paid when levied in five annual installments. The first through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2011 through 2015. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Auditor on or before September 1 of each year, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

**Section 8.** That no notes or bonds of the City of Cleveland shall be issued in anticipation of the collection of the special assessments.

**Section 9.** That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

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

Adopted April 12, 2010.

Effective April 14, 2010.

**Res. No. 462-10.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 5351-53 Dolloff Avenue, and repealing Resolution No. 1131-09, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Per-

mit to 5351-53 Dolloff Avenue by Resolution No. 1131-09 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 D1, D2, D3 and D3A Liquor Permit to Your Place & Mine, LLC, DBA Your Place & Mine, 5351-53 Dolloff Avenue, Cleveland, Ohio 44127, Permanent Number 9862110 be and the same is hereby withdrawn and Resolution No. 1131-09, 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 April 12, 2010.

Effective April 14, 2010.

**Res. No. 463-10.**

**By Council Member J. Johnson.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 1900 Euclid Avenue and repealing Resolution No. 218-10, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 1900 Euclid Avenue by Resolution No. 218-10 adopted by the Council on February 22, 2010; 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 Shiva Shakti, LLC, DBA K & Y Convenient, 1900 Euclid Avenue, Cleveland, Ohio 44115, Permanent Number 8093985, be and the same is hereby withdrawn and Resolution No. 218-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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



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

Adopted April 12, 2010.

Effective April 14, 2010.

**Res. No. 464-10.**

**By Council Member Polensek.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 15222 Waterloo Road and repealing Resolution No. 108-10, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 15222 Waterloo Road by Resolution No. 108-10 adopted by the Council on January 25, 2010; 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 Waterloo Gas & Go, Inc., 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 9427085, be and the same is hereby withdrawn and Resolution No. 108-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 12, 2010.

Effective April 14, 2010.

**Res. No. 465-10.**

**By Council Member Reed.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3744 East 144th Street, 1st floor only.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0300177 to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 5202187; 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 oper-

ated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0300177 to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 5202187; 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 April 12, 2010.

Effective April 14, 2010.

**Ord. No. 1666-09.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 1350**

**East 105th Street, for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Famicos Foundation, or its designee, which is not needed for public use; and authorizing the Director of Community Development to enter into a development agreement with Famicos Foundation, or its designee.**

Whereas, the Director of Community Development has requested the purchase of property from the Department of Housing and Urban Development ("HUD") known as the Doan Classroom Apartments located at 1350 East 105th Street and the subsequent sale of the property to Famicos Foundation, or its designee (the "Redeveloper") for the public purpose of future redevelopment; and

Whereas, HUD is willing to sell the properties through a negotiated sale, rather than an auction, but under current federal law, HUD may only sell the property through a negotiated sale to a local government; and

Whereas, the City of Cleveland is willing to acquire the property, at a cost to the City of \$10.00, and immediately convey it to the Redeveloper for a cost of \$10.00 for future redevelopment; and

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

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

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

Permanent Parcel No. 107-23-009

Situated in the City of Cleveland, county of Cuyahoga and State of Ohio being Sublots Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in Morley and Morison's Subdivision of Original 100 Acre Lot no. 385 recorded in Volume 25, Page 26 of Cuyahoga County Records, and Sublots Nos. 11 and 12 in East Boulevard Co's Allotment recorded in Volume 47, Page 27 of Cuyahoga County Records, forming a parcel of land having a frontage of 332.77 feet on the Westerly side of East 105th Street (60 feet wide); and 284.14 feet on the Northerly line which is also the Southerly line of Churchill Avenue, (40 feet wide); and 110.00 feet on the Southerly line, being also the Southerly line of Sublot No. 12 in the East Boulevard Co's Allotment recorded in Volume 47 Page 27 of Cuyahoga County Records; and having a rear line of 347.45 feet; said rear line being also the Easterly line of East 103 Place (12 feet wide), be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Community Development is autho-

rized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

**Section 3.** That the consideration to be paid for this property shall not exceed \$10.00, and other valuable consideration, determined to be fair market value.

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

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

**Section 6.** That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper for \$10.00, and other valuable consideration, which is determined to be fair market value by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

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

**Section 8.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the properties described in this ordinance are no longer needed for public use.

**Section 9.** That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into a development agreement with the Redeveloper, for the acquisition, disposition, and private redevelopment of the property described above.

**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.

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 8-10.**  
**By Council Members Kelley, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from the Ohio Environmental Protection Agency to implement storm water Best Management Practices at the Kirby Water Pollution Control Facility to allow storm water to divert away from the combined sewers; determining the method of making the public improvement of constructing the improvement; authorizing the Director 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.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to apply for and accept a grant in the amount of \$300,000, from the Ohio Environmental Protection Agency to implement storm water Best Management Practices at the Kirby Water Pollution Control Facility to allow storm water to divert away from the combined sewers; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

**Section 2.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing one or more Best Management Practices' improvements at the Kirby Water Pollution Control Facility to allow storm water to divert away from the combined sewers (the "Improvement"), for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

**Section 3.** That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 4.** That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 5.** That the Director of

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

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

**Section 6.** That the cost of the contracts and other expenditures authorized shall be paid from the fund or funds to which are credited the grant funds accepted in this ordinance and from Fund No. 54 SF 001.

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 13-10.**  
**By Council Members K. Johnson, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Detroit Shoreway Community Development Organization to maintain the Gordon Square parking lots known as Kennedy Lot and CPT Lot.**

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 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with the Detroit Shoreway Community Development Organization to maintain the Gordon Square parking lots known as Kennedy Lot and CPT Lot.

**Section 2.** That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the

grant of a privilege revocable at the will of Council.

**Section 3.** That the property adoption agreement 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 April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 14-10.**

**By Council Members Reed, K. Johnson, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute a deed of easement granting to AT&T certain easement rights in property located near the northeast corner of East 136th Street and Harvard Avenue and declaring the easements rights no longer needed for public use.**

Whereas, AT&T has requested the Director of Parks, Recreation and Properties to convey certain easement rights located near the northeast corner of East 136th Street and Harvard Avenue for the purpose of upgrading service to the area; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is no longer needed for public use:

This Property is legally described as:

Situated in The City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 229 to 245 both inclusive in the Frisbie Company's Mars Hill Allotment No. 2 of part of Original Newburgh Township, Lot No. 462 as recorded in Volume 27, Page 24, of Cuyahoga County Map Records, all of Sublot Nos. 132, 133 and 134 in the Ford Morgan and Frisbie Subdivision of part of Original Newburgh Township Lots Nos. 462 and 470, as recorded in Volume 24, Page 5, of Cuyahoga County Map Records and part of Original Newburgh Township Lot No. 462 as further described and conveyed to the City of Cleveland in deed dated August 19, 1957 and recorded in Volume 8897, Page 328, of Cuyahoga County Deed Records.

Part of PPN No. 138-06-111 - Township 7 North, Range 12 West.

The easement area is legally described as:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot Nos. 127 & 128 in the Ford Morgan and Frisbie Subdivision of part of Original Newburgh Township Lots Nos. 462 and 470, as recorded in Volume 24, Page 5 of Cuyahoga County Map Records and part of Original Newburgh Township Lot No. 462.

Starting at the intersection of the centerlines of East 136 Street, 50.00 feet wide and Harvard Avenue, 60.00 feet wide; thence North 89 degrees, 36' 50" East along said centerline of Harvard Avenue, 294.00 feet; thence North 00 degrees 23' 10" West, 30.00 feet to a point in the northerly line of said Harvard Avenue, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence South 89 degrees, 36' 50" West along said northerly line of Harvard Avenue, 15.00 feet;

thence North 00 degrees 23' 10" West and perpendicular to said northerly line of Harvard Avenue, 16.00 feet;

thence North 89 degrees 36' 50" East and parallel with said northerly line of Harvard Avenue, 15.00 feet;

thence South 00 degrees 23' 10" East and perpendicular with said northerly line of Harvard Avenue, 16.00 feet to the Principal Place of Beginning and containing 0.0055 acres of land as described on August 24, 2009 by R.M. Kole & Assoc. Corp., Professional Land Surveyors.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to AT&T, subject to any conditions stated, at a price not less than fair market value as determined by the Board of Control.

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be to upgrade service in the area.

**Section 4.** That the duration of the easement shall be permanent; that the easement may include right of entry rights to the City; that the easement shall be assignable with the approval of the Board of Control; that the easement shall require that AT&T indemnify the City, provide reasonable insurance, maintain any AT&T improvements located within the easement, and pay any applicable taxes and assessments.

**Section 5.** That the conveyance referred to above shall be made by official deed of easement prepared by Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The deed of easement shall contain such additional terms and conditions as are required to protect the interests of the City. The Directors of Parks, Recreation and Properties and Law including without limitation, contracts for right of entry, are authorized to execute such other documents, as may be necessary to effect the construction of the improvements.

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 163-10.**

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

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

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

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

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

Whereas, because Cleveland owns the land on which the Museum is located, the OCFC has asked that all three parties enter into a non-disturbance and estoppel agreement wherein the City agrees to notify the OCFC of any default under the lease and agrees to other representations regarding the Museum's compliance with the lease; and

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into a non-disturbance and estoppel agreement with the Cleveland Museum of Natural History and the Ohio Cultural Facilities Commission relating to a grant from the OCFC for the improvement of the Museum's planetarium, containing such terms and conditions as are acceptable to the Director of Law.

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

Passed April 12, 2010.  
Effective April 14, 2010.



**Ord. No. 167-10.**

**By Council Member Miller.**

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

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

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

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

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

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



**NEW DESIGN REVIEW DISTRICT**

Passed April 12, 2010.  
Effective May 12, 2010.

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

**By Council Member Miller.**

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

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

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

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

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

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

# EAST 140TH LAKE SHORE DESIGN REVIEW DISTRICT



Passed April 12, 2010.  
Effective May 12, 2010.

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

**By Council Member Miller.**

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

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

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

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

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

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

# THREE POINTS DESIGN REVIEW DISTRICT



Passed April 12, 2010.  
Effective May 12, 2010.



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

**By Council Member Miller.**

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

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

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

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

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

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

# FIVE POINTS DESIGN REVIEW DISTRICT



## NEW DESIGN REVIEW DISTRICT

Passed April 12, 2010.  
Effective May 12, 2010.

**Ord. No. 199-10.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2009 State Byrne Memorial Justice Assistance Grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$149,998.50, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the 2009 State Byrne Memorial Justice Assistance Grant ("JAG"); that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

**Section 2.** That the subgrant application for the grant File No. 199-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$49,999.50 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 201-10.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2009 Ohio Drug Law Enforcement Fund Grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the

approximate amount of \$169,516.50, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the 2009 Ohio Drug Law Enforcement Fund Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

**Section 2.** That the subgrant application for the grant, File No. 201-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$56,505.50 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 206-10.**

**By Council Member Reed.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 96th Street to Chriss Cranston.**

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 Chriss Cranston.

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

P. P. No. 136-02-107

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 100 and 7 feet of a 14 foot alley vacated in Volume 170, Page 11 in James M. Hoyt and Colgate Hoyt's Re-Subdivision of the Gordon Meech Subdivision of part of Original One Hundred Acre Lot No. 457 as shown by the recorded plat in Volume 4 of Maps, Page 26 of Cuyahoga County Records, together forming a parcel of land 40 feet front on the Easterly side of East 96th Street and extending back between parallel lines 132 feet to the center line of the 14 foot alley, as aforesaid, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 136-02-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 104 in J. M. Hoyt's Re-Subdivision of a part of J. N. and Colgate Hoyt's Subdivision, of a part of Original One Hundred Acre Lot No. 457 as shown by the recorded plat in Volume 4 of Maps, Page 26 of Cuyahoga County Records. Said Sublot No. 104 has a frontage of 17 feet and 1 inch on the Easterly side of Foy Street (now East 96th Street) and extends back 125 feet deep on the Northerly 130-2/12 feet deep on the Southerly line and is 55-6/12 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 207-10.**

**By Council Member Reed.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4117 East 113th Street to Anand Sahye.**

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 Anand Sahye.

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

P. P. No. 136-19-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 63 in Williams Jantzen's Subdivision of part of Original One Hundred Acre Lot No. 467, as shown by the recorded plat in Volume 15 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 113th Street (formerly Hayes Avenue) and extending back of equal width 142 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 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and

shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 208-10.**

**By Council Member J. Johnson.**  
**An emergency ordinance designating Fenway Hall as a Cleveland Landmark.**

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

Whereas, the owner of Fenway Hall has been properly notified and has consented in writing to the proposed designation; and

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

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

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

**Section 1.** That Fenway Hall, whose street addresses in the City of Cleveland are 1972-96 Stokes Boulevard, N.E., and 10621-57 Euclid Avenue, N.E., Cuyahoga County Auditor's Permanent Parcel Numbers are 119-20-015 and 119-20-016, also known as the following described property:

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot Numbers 1, 2, 3, 4, 10, 11, 12, and 13, and a twelve-foot private alley in the rear of said Sublots in L. E. Holden's and others Resubdivision of part of Original One Hundred Acre Lot No. 402, as shown by the

recorded plat in Volume 9 of Maps, Page 21 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning at the point of intersection of the Northerly line of Euclid Avenue with the Westerly line of East 107th Street; thence Westerly along the Northerly line of Euclid Avenue, 93.75 feet to the Westerly line of said Sublot No. 4; thence Northerly along the Westerly line of said Sublot No. 4 and the Westerly line of said 12 foot private alley, 190.08 feet to the Southerly line of Reserve Court; thence Easterly along the Southerly line of said Reserve Court, 79.37 feet to the Westerly line of said East 107th Street; thence Southerly along said Westerly line of East 107th Street, 190.32 feet to the place of beginning, according to a survey made by Charles W. Root, Civil Engineer, dated October, 1921, be the same more or less, but subject to all legal highways;

Parcel No. 2:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot Nos. 5, 6, 7, 8, and 9 in the allotment made by Holden, Dean, Ford, and Boise of part of Original One Hundred Acre Lot No. 402, said Sublot Nos. 5, 6, 7, 8, and 9 are situated on the North side of Euclid Avenue, and are each 20 feet in width from front to rear and are each approximately 190 feet in depth all according to the recorded plat of said allotment in Map Book 9, Page 21 of Cuyahoga County Records, be the same more or less, but subject to all legal highways;

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

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 325-10.**

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

**An emergency ordinance authorizing the procurement by one or more requirement contracts of Group I, II and III copiers and services for the various divisions of City government, for a period of four years, with one option to renew for one additional year, exercisable by the Director of Finance.**



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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of four years, with one option to renew for one additional year, exercisable by the Director of Finance of the necessary items of Group I, II and III copiers and services, in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial procurement, which purchase, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 1508 RL 3020-7)

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

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 326-10.**

**By Council Members Kelley and Sweeney (by departmental request).  
An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with FirstEnergy Solutions Corp. for aggregation services and power supply for residential and small commercial customers for a period of 36 months and the City's governmental accounts for a period of 38 months.**

Whereas, Ohio state law allows a municipality to create an electric aggregation program through which the municipality negotiates a bulk discount from electric generation suppliers to provide electricity to the municipality's residential and small commercial customers; and

Whereas, Section 129.331 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Director of Public Utilities to enter into contracts with electric aggregation suppliers with the approval of City Council; and

Whereas, the City solicited proposals from aggregation service providers to create and manage a 36-month electric aggregation program; and

Whereas, FirstEnergy Solutions Corp. submitted a proposal on December 14, 2009, revised by letter dated January 22, 2010, to create and manage an electric aggregation program that includes discounted rates for customers, grants to the City, and funding for an energy efficiency and conservation program for the City's Cleveland Electric Illuminating Company customers; and

Whereas, on the basis of the proposals submitted, the City has determined that the proposal submitted by FirstEnergy Solutions Corp. best suits the needs of Cleveland's residents and small businesses; and

Whereas, Ohio law also permits customers of private utilities to purchase electricity from alternative suppliers and to arrange for the delivery of that electricity by the local electric utility; and

Whereas, the City solicited proposals from alternative suppliers to provide electricity for certain City accounts that are currently served by CEI and that cannot presently be served by Cleveland Public Power; and

Whereas, the City received one proposal, from FirstEnergy Solutions Corp., that offers firm fixed pricing for a 38-month period and provides substantial savings compared to the CEI standard rates; and

Whereas, on the basis of the proposals submitted, the City has determined that the proposal submitted by FirstEnergy Solutions Corp. offers immediate and substantial savings and is the best proposal received.

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into a contract with FirstEnergy Solutions Corp. to create and manage an electric aggregation program on the basis of its proposal dated December 14, 2009, as revised by its letter dated January 22, 2010. The executive summary describing this program is placed in File No. 326-10-A.

**Section 2.** That the Director of Public Utilities is authorized to enter into a contract with FirstEnergy Solutions Corp. to provide electric generation supply for the City's CEI accounts on the basis of the proposal by FirstEnergy Solutions Corp. dated January 22, 2010. The

executive summary describing this program is placed in the above-described file.

**Section 3.** That the contract or contracts authorized by this ordinance shall contain such terms and conditions as the Director of Law deems necessary to benefit and protect the City and the customers of the electric aggregation program.

**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 April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 360-10.**

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

**An emergency ordinance to amend Sections 2 and 3 of Ordinance No. 507-09, passed April 20, 2009, relating to authorizing the Director of Economic Development to enter into contract with Alcoa to provide economic development assistance to partially finance the refurbishment of equipment located at their facility located at 1609 Harvard Avenue, and authorizing a development agreement with the Village of Cuyahoga Heights and the City of Independence.**

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 Sections 2 and 3 of Ordinance No. 507-09, passed April 20, 2009, are amended to read as follows:

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 507-09-B made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the costs of the loan shall not exceed Five Hundred and Fifty Thousand Dollars (\$550,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request Nos. 123988 and RQS 9501 CONVRL 123988.

**Section 2.** That existing Sections 2 and 3 of Ordinance No. 507-09, passed April 20, 2009, are repealed.

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

Passed April 12, 2010.  
Effective April 14, 2010.

**Ord. No. 468-10.**  
**By Council Member Brancatelli.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Morgana Run, on June 6, 2010, sponsored by Hermes Sports & Events, Inc.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Morgana Run, sponsored by Hermes Sports & Events, Inc. on June 6, 2010, with the Run beginning at Old TOPS Parking Lot on Morgan Run Trail to East 75th; East 75th to Fleet; Fleet to East 49th; East 49th to Morgan Run Trail to finish, 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.

Passed April 12, 2010.  
 Effective April 14, 2010.

**Ord. No. 469-10.**  
**By Council Members Westbrook and Zone.**

**An emergency ordinance consenting and approving the issuance of a permit for the Hermes Cleveland 10 Miler, on April 24, 2010, sponsored by Hermes Sports & Events Inc.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Cleveland 10 Miler, sponsored by Hermes Sports & Events, Inc. on April 24, 2010, Start: Edgewater Park, exit park west up bike path to West Blvd., south on West Blvd. to Lake, Lake west to West 117th then into the City of Lakewood, returning from Lakewood east on Lake to Detroit, east on Detroit to West 76th, north on West 76th to Father Caruso Drive, east on Father Caruso to tunnel to Edgewater park and finish, 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 deter-

mined 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.

Passed April 12, 2010.  
 Effective April 14, 2010.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 19, 2010  
 2:00 p.m.**

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

**Wednesday, April 21, 2010  
 1:30 a.m.**

**Public Utilities Committee:** Present: Kelley, Chair; Brady, Vice Chair; Cummins, Dow, Miller, Polensek, Pruitt, Westbrook. *Authorized Absence:* Conwell.

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O—Ordinance; R—Resolution; F—File

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