

# The City Record

Official Publication of the Council of the City of Cleveland



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February the Twenty-Fourth, Two Thousand and Ten

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

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

The City Record is available online at  
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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, Vermel 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, FEBRUARY 24, 2010

No. 5020

## CITY COUNCIL

MONDAY, FEBRUARY 22, 2010

The City Record  
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The City Record is available  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 22, 2010

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

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

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

Pursuant to Ordinance No. 2926-76 prayer was offered by Bishop John Hilton of Faith Temple Church, 7035 Lexington Avenue, located in Ward 7. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 221-10.

From Lorraine Bradley, S. E. I. U. District 119 — letter denouncing Academic Transformation Plan for the Cleveland Municipal School District. Received.

##### File No. 227-10.

From Ralph A. Falbo, Inc., Garden Valley Redevelopment, LLC — notification of residential rental development in Garden Valley Homes Estate (Ward 5), utilizing Ohio Housing Finance Agency (OHFA) funding. Received.

##### File No. 228-10.

From The Finch Group — notification that LPA Associates Limited Partnership is the new owner of multi-family residential development at 3090 Livingston Road (Ward 4), utilizing Ohio Housing Finance Agency (OHFA) funding. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 229-10.

Re: #6379708 — C1 New Application — New Star Market, Ltd, 3831 East 93rd Street. (Ward 2). Received.

##### File No. 230-10.

Re: #9148958 - D2, D2X, D3, D3A, D6 Stock Application — Underground Entertainment, Inc., d.b.a. Underground, 75 Public Square, Suite B-100. (Ward 3). Received.

##### File No. 231-10.

Re: #36989850001 — D5, D6 Transfer of Location Application — HDV Cleveland, LLC, 1101 Center Street. (Ward 3). Received.

##### File No. 232-10.

Re: #1669840 — C1 New Application — Community supermarket, Inc., d.b.a. Mikes Food Market, 3609 Community College Boulevard. (Ward 5). Received.

##### File No. 233-10.

Re: #8942157 — D1, D2, D3, D3A Transfer of Ownership Application — Tinker Tavern, LLC, d.b.a. Coachs Place, 1st Flr. and Bsmnt., 19003 St. Clair Avenue. (Ward 11). Received.

##### File No. 234-10.

Re: #6527435 — C2 New Additional Class Application — OLA 3226, Inc., 3226 Clark Avenue. (Ward 14). Received.

##### File No. 235-10.

Re: #98723320005 — C1 New Additional Class Application — Zaben, Inc., 5110 Clark Avenue. (Ward 15). Received.

**File No. 236-10.**

Re: #6208708 — C2, C2X Transfer of Ownership Application — Mr. Husni, Inc., 9901 Loretta Avenue. (Ward 16). Received.

**File No. 237-10.**

Re: #00031820005 — C1, C2, Transfer of Ownership Application — A & A Convenient Food Mart, Inc., d.b.a. New Wave Market & Deli, 12702 Lorain Avenue. (Ward 17). Received.

**STATEMENT OF FINAL ACCEPTANCE****File No. 238-10.**

From Director of Public Service — Contract No. 67620, with Dodson & Associates, for Department of Building & Housing Renovations (File Room 517). Received.

**File No. 239-10.**

From Director of Public Service — Contract No. P67458, Jance Construction, for Consolidated Maintenance, Facility Phase 2. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 240-10** — Pernell Vance Pinkney Williams.

**Res. No. 241-10** — Jane Elizabeth Stewart Hales.

**Res. No. 242-10**—Christopher Douglas Thigpen.

**Res. No. 243-10** — Rita D. Ciofani-Kercher.

**Res. No. 244-10**—Gregory Stiles.

**Res. No. 245-10**—Mary Alice Dawson.

**Res. No. 246-10**—Nate Williams.

**Res. No. 247-10**—Edwin S. Malone.

**Res. No. 248-10**—Mrs. Imani Jones.

**Res. No. 249-10**—Kelley Berts.

**Res. No. 250-10**—Terri Bark.

**Res. No. 251-10**—James Taylor.

**Res. No. 252-10**—Michael J. O'Malley.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 253-10**—Lithuania's Independence — 92nd Anniversary.

**Res. No. 254-10**—Mary Dobrovic.

**Res. No. 255-10**—Gladys Rankin.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 256-10**—Steven Eucker, Jr.

**Res. No. 257-10**—Art is Education Program.

**Res. No. 258-10**—Cleveland Saves.

**Res. No. 259-10** — Walter Rutherford.

**APPRECIATION RESOLUTION**

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

**Res. No. 260-10** — Zeta Omega Chapter of Omega Psi Phi Fraternity, Inc.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 189-10.**

**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. 67714 with Michael Baker Jr., Inc. to provide general engineering design services, for the Department of Port Control.**

Whereas, under the authority of Ordinance No. 186-07, passed March 12, 2007, the Director of Port Control entered into Contract No. 67714 with Michael Baker Jr., Inc. to provide general engineering design services for the Department of Port Control; and

Whereas, Ordinance No. 186-07 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. 67714 for an additional year at a cost not to exceed \$1,546,054.09, with Michael Baker Jr., Inc. general engineering design services for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 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. 190-10.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the option to renew Contract No. 67927 with Gardiner Service Company for the necessary items of labor and materials necessary to maintain and repair heating, ventilation and air conditioning systems, for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 1969-07, passed December 10, 2007, the Director of Port Control entered into Contract No. 67927 with Gardiner Service Company for the necessary items of labor and materials necessary to maintain and repair heating, ventilation and air conditioning systems, for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 1969-07 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. 67927 for an additional year in the approximate amount of \$128,452, with Gardiner Service Company for the requirements for an additional year of the necessary items of labor and materials necessary to maintain and repair heating, ventilation and air conditioning systems, for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 1969-07 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. 191-10.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the option to renew Contract No. 67928 with The Shelly Company for the necessary items of asphalt for runways, taxiways, ramps, and roadways, including labor and materials for repair and installation, if necessary, for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 1930-07, passed December 10, 2007, the Director of Port Control entered into Contract No. 67928 with The Shelly Company for the necessary items of asphalt for runways, taxiways, ramps, and roadways, including labor and materials for repair and installation, if necessary, for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 1930-07 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. 67928 for an additional year I the approximate amount of \$590,250, with The Shelly Company for the requirements for an additional year of the necessary items of asphalt for runways, taxiways, ramps, and roadways, including labor and materials

for repair and installation, if necessary, for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 1930-07 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. 192-10.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the option to renew Contract No. 68074 with Kone, Inc. for the necessary items of labor and materials necessary to maintain and repair existing elevators, escalators and moving sidewalks, or the replacement of units if necessary, including installation and removal of existing units, for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 1804-07, passed December 3, 2007, the Director of Port Control entered into Contract No. 68074 with Kone, Inc. for the necessary items of labor and materials necessary to maintain and repair existing elevators, escalators and moving sidewalks, or the replacement of units if necessary, including installation and removal of existing units, for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 1804-07 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. 68074 for an additional year in the approximate amount of \$578,372, with Kone, Inc. for the requirement for an additional year of the necessary items of labor and materials necessary to maintain and repair existing elevators, escalators and moving sidewalks, or the replacement of units if necessary, including installation and removal of existing units, for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 1804-07 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. 193-10.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the option to renew Contract No. 68124 with Interline Brands, Inc., dba AmSan for the necessary items of janitorial maintenance and cleaning supplies, for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 192-07, passed March 12, 2007, the Director of Port Control entered into Contract No. 68124 with Interline Brands, Inc., dba AmSan for the necessary items of janitorial maintenance and cleaning supplies, for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 192-07 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. 68124 for an additional year in the approximate amount of \$151,750, with Interline Brands, Inc., dba AmSan for the requirements for an additional year of the necessary items of janitorial maintenance and cleaning supplies, for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 192-07 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. 194-10.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the options to renew Contract Nos. 68337, 68338, and 68339 with various suppliers for employee uniforms and related items for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 99-08, passed March 10, 2008, the Director of Port Control

entered into Contract Nos. 68337, 68338, and 68339 with B.P. Britches, Inc., dba Christopher's, Cleveland Uniform, Inc., and Stonewall Uniform Corporation for employee uniforms and related items for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 99-08 requires further legislation before exercising the option to renew on these contracts; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the options to renew Contract Nos. 68337, 68338, and 68339 with B.P. Britches, Inc., dba Christopher's, Cleveland Uniform, Inc., and Stonewall Uniform Corporation, in the estimated aggregate sum of \$126,796, for the requirements for an additional year of the necessary items of employee uniforms and related items for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 99-08 to exercise these options.

**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. 195-10.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the option to renew Contract No. 68360 with Hi-Lite Markings, Inc. for the necessary items of labor and materials to remove rubber and any other contaminants from paved surfaces for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 102-08, passed March 10, 2008, the Director of Port Control entered into Contract No. 68360 with Hi-Lite Markings, Inc. for the necessary items of labor and materials to remove rubber and any other contaminants from paved surfaces for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 102-08 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 exer-

cise the option to renew Contract No. 68360 for an additional year in the approximate amount of \$150,000, with Hi-Lite Markings, Inc. for the requirements for an additional year of the necessary items of labor and materials to remove rubber and any other contaminants from paved surfaces for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 102-08 to exercise this option.

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

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

**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.**

Whereas, under the authority of Ordinance No. 899-07, passed July 11, 2007, the Director of Port Control entered into 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; and

Whereas, Ordinance No. 899-07 requires further legislation before exercising the second option to renew 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 second option to renew Contract No. 68925 for an additional year at a cost not to exceed \$14,400, 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. This ordinance constitutes the additional legislative authority required by Ordinance No. 899-07 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. 197-10.**

**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 University Hospitals for the 2010 Cuyahoga County OVI Task Force Program.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$27,000, and any other funds that may become available during the grant term from University Hospitals to conduct the 2010 Cuyahoga County OVI Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the services agreement for the grant contained in the file described below.

**Section 2.** That the services agreement for the grant, File No. 197-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of 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.

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

**Ord. No. 198-10.**

**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 University Hospital for the 2010 Cleveland High Visibility Enforcement Overtime Program.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$80,592.46, and any other funds that may become available during the grant term from University Hospital to conduct the 2010 Cleveland High Visibility Enforcement Overtime Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the services agreement for the grant contained in the file described below.

**Section 2.** That the services agreement for the grant File No. 198-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of 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.

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

**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.

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

**Ord. No. 200-10.**

**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 Recovery Act State Byrne Memorial Assistance Grant, Northern Ohio Violent Crime Consortium; and authorizing one or more contracts with various agencies and entities to implement the grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$97,500, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the 2009 Recovery Act State Byrne Memorial Assistance Grant, Northern Ohio Violent Crime Consortium; 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. 200-10-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 \$32,500 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 the Director of Public Safety is authorized to enter into one or more contracts with various agencies and entities to implement the grant as described in the file, payable from the fund or funds which are credited the grant proceeds accepted in this ordinance.

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

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

**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.

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

**Ord. No. 202-10.**

**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 U.S. Department of Justice, Bureau of Justice Assistance, for the 2009 Bulletproof Vest 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 \$36,625, and any other funds that become available during the grant term, from the U.S. Department of Justice, Bureau of Justice Assistance, to conduct the 2009 Bulletproof Vest Grant; that the Director of Public Safety 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 application submission contained in the file described below.

**Section 2.** That the application submission for the grant, File No. 202-10-A, made a part of this ordinance as if fully rewritten, including the obligation of the City to provide \$36,625 in cash matching funds from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

**Ord. No. 203-10.**

**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 Department of Justice Violence Against Women through the County Criminal Justice Services Agency for the 2010 Cleveland Team Approach to Domestic Violence Pro-**

**gram; and authorizing the Director to enter into one or more contracts with Cuyahoga County to implement the grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$115,108 from the Department of Justice Violence Against Women through the County Criminal Justice Services Agency to conduct the 2010 Cleveland Team Approach to Domestic Violence 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 subgrant application for the grant contained in the file described below.

**Section 2.** That the subgrant application for the grant, File No. 203-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority; including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$38,369.33 from Fund Nos. 10 SF 025, 10 SF 027, and 20 SF 049, is approved in all respects.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

**Section 4.** That the Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to implement the grant as described in the file.

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

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

**Ord. No. 204-10.**

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

**An emergency ordinance to amend Section 605.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, relating to making false alarms.**

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 605.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, is amended to read as follows:

**Section 605.07 Making False Alarms**  
(a) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur;

**(4) Report a medical emergency, injury or condition knowing that none exists;**

**(5) Report a medical emergency, injury or condition knowing that the report exaggerates or embellishes the severity of the medical emergency, injury or condition.**

(b) This section does not apply:

(1) to any person conducting an authorized fire or emergency drill; or

(2) if the violation results in economic harm of five hundred dollars (\$500.00) or more; or

(3) if a violation of this section pertains to a purported, threatened or actual use of a weapon of mass destruction.

(c) This section does not apply to any person conducting an authorized fire or emergency drill.

(d) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. (RC 2917.32)

**Section 2.** That existing Section 605.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, is repealed.

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

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

**Ord. No. 205-10.**

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

**An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties and the Project**

**Clean program and for the Department of Finance, for a period not to exceed one year.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more temporary employment agency or agencies for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide the professional services necessary to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties and Project Clean program, for a period not to exceed one year.

The selection of the agency or agencies shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties from a list of qualified agencies 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 Director of Finance is authorized to employ by contract or contracts one or more temporary employment agency or agencies for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide the professional services necessary to supply temporary and seasonal personnel for the Department of Finance, for a period not exceeding one year.

The selection of the agency or agencies shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified agencies available for employment as may be determined after a full and complete canvass by the Director of Finance 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 3.** That the costs for the services contemplated shall be paid from Fund Nos. 62 SF 001, 63 SF 001, 01-7012-6380, 01-1503-6320, and funds appropriated for this purpose in budget year 2010, Request No. RQS-7012-RL 2010-10.

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



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

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

**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.

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

**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 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 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.

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

**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 moiré 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.

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

**Ord. No. 214-10.****By Council Member Pruitt.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4150 East 141st Street to Ferrel Ridgeway.**

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 Ferrel Ridgeway.

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

**P. P. No. 138-12-048**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 129 in W. M. Southern Stanley Heights Subdivision of part of Original Warrensville Township Lot Nos. 61 and 71, as shown by the recorded plat in Volume 16 of Maps Page 23 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 141st Street and extending back of equal width 125 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.

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

**Ord. No. 215-10.****By Council Member Pruitt.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 14910 Edgewood Avenue to Constance J. Hollinger.**

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 Constance J. Hollinger.

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

P. P. No. 139-15-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 705, in the Shaker Overlook Land

Company's Subdivision, of part of Original Warrensville Township Lot Nos. 51, 52, 61 and 62, as shown by the recorded plat in Volume 65 of Maps, Page 36 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Edgewood Avenue, S.E. and extending back 131.95 feet deep on the Westerly line, 132.12 feet deep on the Easterly line, and being 40 feet 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.

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

#### FIRST READING ORDINANCE REFERRED

##### Ord. No. 213-10.

By Council Member Miller.

**An ordinance to change the Use District of land fronting on East 140th Street south of I-90 and north of Kelso Avenue from Local Retail Business to Residence Office; and changing the Use and Area Districts of land located at the southwest corner of Diana and E. 140th to Two Family Residential and a 'B' Area District (Map Change No. 2297 Sheet No. 7).**

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

**Section 1.** That the Use District of lands bounded and described as follows:

Beginning in the centerline of East 140th Street at its intersection with the easterly prolongation of the northerly line of Sublot No. 121 in the Henry C. Wick Subdivision shown on the recorded plat in Volume 28, Page 16 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation of said northerly line to its intersection with the easterly line of Sublot No. 120 in aforementioned Henry C. Wick Subdivision; said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 112-01-089;

Thence southerly along said easterly line of Sublot No. 120 and along its southerly prolongation to its intersection with the centerline of Diana Avenue;

Thence easterly along said centerline of Diana Avenue and along its easterly prolongation to its intersection with the centerline of East 140th Street;

Thence northerly along said centerline of East 140th Street to its intersection with the westerly prolongation of the centerline of Jenne Avenue;

Thence easterly along said westerly prolongation of said centerline of Jenne Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 109 in the Quinby & Brooks Subdivision shown on the recorded plat in Volume 10, Page 16 of Cuyahoga County Map Records;

Thence southerly along said northerly prolongation of said westerly line and along its southerly prolongation to its intersection with the centerline of Darley Avenue;

Thence westerly along said centerline of Darley Avenue to its intersection with the centerline of E. 140th Street;

Thence southerly along said centerline of East 140th Street to its intersection with the easterly prolongation of the centerline of Kelso Avenue;

Thence westerly along said centerline of Kelso Avenue to its intersection with the southerly prolongation of the easterly line of Sublot No. 211 in the aforementioned Henry C. Wick Subdivision; said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 112-03-019;

Thence northerly along said southerly prolongation of said easterly line and continuing along its northerly prolongation to its intersection with the centerline of Darley Avenue;

Thence easterly along said centerline of Darley Avenue to its intersection with the centerline of E. 140th Street;

Thence northerly along said centerline of East 140th Street to its intersection with the easterly prolongation of the northerly line of Sublot No. 121 in the aforementioned Henry C. Wick Subdivision and the principal place of beginning,

and as shaded on the attached map is changed to a Residence Office District.

**Section 2.** That the Use and Area District of lands bounded and described as follows:

Beginning in the centerline of East 140th Street at its intersection with the easterly prolongation of the centerline of Diana Avenue;

Thence southerly along said centerline of East 140th Street to its intersection with the centerline of Darley Avenue;

Thence westerly along said centerline of Darley Avenue to its intersection with the southerly prolongation of the easterly line of Sublot No. 169 in the Henry C. Wick Subdivision shown on the Recorded Plat in Volume 28, Page 16 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation of said easterly line of Sublot No. 169 and along its northerly prolongation to its intersection with the centerline of Diana Avenue;

Thence easterly along said centerline of Diana Avenue and along its easterly prolongation to its intersection with the centerline of East 140th Street and the principal place of beginning, and as shaded on the attached map is changed to a Two Family Residential District and a 'B' Area District.

**Section 3.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2297, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



- AREA TO BE REZONED TWO-FAMILY (2F-B1)**
- AREAS TO BE REZONED RESIDENCE-OFFICE (RO-C2)**

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

**FIRST READING EMERGENCY  
RESOLUTIONS REFERRED**

**Res. No. 209-10.**

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

**An emergency resolution declaring the intent to vacate a portion of East 65th Street (25 feet wide).**

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 65th Street (25 feet wide), as described; and

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

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

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

Being all that portion of East 65th Street (25 feet wide) extending southerly from the southerly line of Park Avenue S.E. (50 feet wide) (formerly Lyford Street) 119.30 feet to its southerly terminus as shown by the John Brooks Subdivision recorded in volume 16 page 24 of Cuyahoga County Map Records.

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

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

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

**Res. No. 210-10.**

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

**An emergency resolution declaring the intent to vacate a portion of West 15th Street and Crown Avenue S.W.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 15th Street and Crown Avenue S.W., as described; and

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

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

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

Being all that portion of West 15th Street (40 feet wide) extending northerly from the northerly right of way of Abbey Avenue S.W. (width varies) to the southerly right of way of Crown Avenue S.W. (66 feet wide).

Being all that portion of Crown Avenue S.W. (66 feet wide) extending westerly from the westerly right of way of West 14th Street (100 feet wide) to its westerly terminus.

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

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

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

**Res. No. 211-10.**

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

**An emergency resolution declaring the intent to vacate a portion of West 29th Street.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 29th Street, as described; and

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

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

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of West 29th Street shown on the Barber and Lord Subdivisions as recorded in Volume 11, Page 26 of Cuyahoga County Map records of part of Original Brooklyn Township Lot No. 69 and being further bonded and described as follows:

Beginning at the intersection of the Southwesterly right-of-way line of West 29th Street (50 feet wide) and the Northwesterly right-of-way line of Chatham Avenue (66 feet wide);

Thence North 31° - 12' - 29" West along Southwesterly right-of-way line 202.04 feet a non tangent point on the proposed cul-de-sac;

Thence Northeasterly along the arc of a curb deflecting to the left 54.95 feet, said curb having a radius of 40.00 feet, a chord that bears North 68° - 32' - 33" East 50.73 feet, a tangent of 32.80 feet and a central angle of 78° - 42' - 37" to a non-tangent point on the Northeasterly right-of-way line of said West 29th Street;

Thence South 31° - 12' - 29" East along said Northeasterly right-of-way line 193.33 feet to the said Northwesterly right-of-way line of Chatham Avenue;

Thence South 58° - 39' - 01" West along said Northwesterly right-of-way line 50.00 feet to the Place of Beginning and containing 9,569 Square Feet of about 0.2197 Acres of land as described by John G. Hoy, Registered Professional Ohio Surveyor No. 7419, in April of 2009, be the same more or less but subject to all legal highways.

The Basis for the bearings used heron is North 64° - 23' - 49" East along the centerline of Lorain Ave-

nue from the plat recorded in Volume 315, Page 1 of Cuyahoga County Map records.

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

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

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

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

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

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Louise Laffitte for professional services to assist with legislative and policy research for Cleveland City Council.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**By Council Member Dow.**

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

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

9820735 to Yash Kush, Inc., DBA Superior Beverage, 6203 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 98207350001; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of liquor license of a C2 and C2X Liquor Permit from Yash Kush, Inc., DBA Superior Beverage, 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 9820735 to Yash Kush, Inc., DBA Superior Beverage, 6203 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 98207350001, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

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

**By Council Member J. Johnson.**

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

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

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Shiva Shakti, LLC, DBA K & Y Convenient, 1900 Euclid Avenue, Cleveland, Ohio 44115, Permanent Number 8093985, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

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

**Res. No. 219-10.**

**By Council Member K. Johnson.**

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

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

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to 3344 East 116th Inc., DBA Kinsman Supermarket, 3344 East 116th Street, Cleveland, Ohio 44120, Permanent No. 89166090005 be and the same is hereby withdrawn and Resolution No. 24-2010, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

**Res. No. 220-10.**

**By Council Member Kelley.**

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

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

Avenue, Cleveland, Ohio 44144, Permanent Number 1184084; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Sherneke, Inc., DBA Trio Tavern, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 8079254 to Cal Ger, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1184084; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

**Res. No. 222-10.**

**By Council Member Miller.**

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

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to Roscoe, Inc., DBA Honey Do Club, 12515-19 St. Clair Avenue by Resolution No. 1166-09 adopted by the Council on August 5, 2009; and

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

Whereas, this resolution constitutes an emergency measure 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 Roscoe, Inc., DBA Honey Do Club, 12515-19 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 7514486 be and the same is hereby withdrawn and Resolution No. 1166-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 223-10.**

**By Council Member Pruitt.**

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

Whereas, this Council objected to a D5 Liquor Permit to Club E Inc., DBA Club E, 4102-04 Lee Road by Resolution No. 959-09 adopted by the Council on August 5, 2009; and

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

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

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

**Section 1.** That objection to a D5 Liquor Permit to Club E Inc., DBA Club E, 4102-04 Lee Road, Cleveland, Ohio 44128, Permanent Number 1572238 be and the same is hereby withdrawn and Resolution No. 959-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 224-10.**

**By Council Member Reed.**

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

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

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at New Star Market, Ltd., 3831 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 6379708; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

**Res. No. 225-10.**

**By Council Member Zone.**

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

Whereas, this Council objected to a C1 and C2 Liquor Permit to Abdelsalam Ali, DBA A & F Food Market, 2044 West 65th Street by Resolution No. 963-09 adopted by the Council on July 1, 2009; and

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

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Abdelsalam Ali, DBA A & F Food Market, 2044 West 65th Street, Cleveland, Ohio 44102, Permanent Number 0117346 be and the same is hereby withdrawn and Resolution No. 963-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 226-10.**

**By Council Member Cleveland.**

**An emergency resolution objecting to a New C1 Liquor Permit at 3609 Community College Boulevard.**

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

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Community Supermarket, Inc., DBA Mike's Food Market, 3609 Community College Boulevard, Cleveland, Ohio 44115, Permanent Number 1669840; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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



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

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

### THIRD READING EMERGENCY ORDINANCES PASSED

#### Ord. No. 1784-09.

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

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

Read third time in full. Passed. Yeas 18. Nay 1.

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

Those voting nay: Council Member J. Johnson.

#### Ord. No. 1785-09.

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

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

Read third time in full. Passed. Yeas 19. Nay 0.

### MOTION

The Council Meeting adjourned at 8:30 p.m. to meet on Monday, March 1, 2010 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

February 17, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 17, 2010, at 10:35 a.m. with Director Triozzi presiding.

Present: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson and Director Wasik.

Others: James Hardy, Commissioner, Purchases and Supplies.

Diana Anthony, Interim Director, Office of Equal Opportunity.

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

#### Resolution No. 58-10.

By Director Dumas.

Whereas, under the authority of Ordinance No. 2302-03, passed by the Cleveland City Council on December 15, 2003, and Board of Control Resolution No. 34-05, adopted January 26, 2005, the City, through the Director of Finance, entered into Contract No. 63976 with Kronos, Inc. to obtain licenses to use certain Kronos timekeeping system software and professional services necessary to implement, install, support, maintain, and provide training in the software, and to acquire certain timekeeping equipment necessary to upgrade the Kronos timekeeping system, for various departments of City government, for an aggregate fee of \$330,005.00; and

Whereas, under the authority of Board of Control Resolution No. 445-06, adopted October 4, 2006, the City, through the Director, entered into a first modification to Contract No. 63976 to specify the contract term as one year with four options, exercisable by the Director of Finance, to renew for a successive one-year term, to increase the fee by \$7,500 for maintenance for the "Connect" component of the Kronos software, and to provide that the maintenance fee increase for each optional renewal year not exceed 4% of the prior year's fee; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with a software vendor for professional services necessary to implement or maintain the software products including, but not limited to, implementation, installation, interfacing, maintenance, repair, upgrades, enhancements, and technical support; and

Whereas, under division (d) of Section 181.102 C.O., the City intends to enter into an agreement, to be entitled "Second Modification to Contract No. 63976 with Kronos Incorporated," to continue to obtain professional maintenance, technical support, and other services necessary to implement, maintain, upgrade and enhance the City's Kronos timekeeping software acquired by licenses under Contract No. 63976, as modified, for an addition-

al term of one (1) year with four (4) options, exercisable in writing by the Director, to renew for a successive one-year term, such services including the upgrade of the City's timekeeping software from version 5.0 to version 6.1 as proposed by Kronos' March 16, 2009 "State of Work for Kronos Workforce Solution", and to provide that the maintenance fee increase for each optional renewal year shall not exceed 2% of the prior year's fee; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the compensation to be paid for the first term year for the maintenance and technical support services to be performed under the above-mentioned "Second Modification to Contract No. 63976 with Kronos Incorporated" shall not exceed a fee of \$66,194.73, and that for each optional renewal year of the term, the annual increase in compensation shall not exceed two percent (2%) of the immediately prior year's annual fee.

Be it further resolved by the Board of Control of the City of Cleveland that the cost to upgrade the City's timekeeping software from version 5.0 to version 6.1, as proposed by Kronos' March 16, 2009 "State of Work for Kronos Workforce Solution" and incorporated in the above-mentioned "Second Modification to Contract No. 63976 with Kronos Incorporated," shall not exceed \$49,465.00.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Wasik.

#### Resolution No. 59-10.

By Director Withers.

Whereas, under the authority of Ordinance No. 2430-03, passed by the Council of the City of Cleveland on February 2, 2004, and Resolution No. 465-06, adopted by this Board on October 18, 2006, the City, through its Director of Public Utilities, entered into City Contract No. 66347 with TMG Consulting, Inc. to provide the professional services necessary for project management services to select software, select an integration consultant to implement the installation of software, project oversight, quality control and quality assurance services, assistance with data conversion, provide technical support, and other related services to CWD for a new Customer Information System/ Customer Relationship Management System (CIS/CRM), for the Division of Water, Department of Public Utilities; and

Whereas, under Board of Control Resolution No. 18-08, adopted January 9, 2008, the Director of Public Utilities was authorized to enter into a first amendment to Contract No. 66347 for additional services and to extend the term to a 31-month period; and

Whereas, under Board of Control Resolution No. 353-09, adopted September 9, 2009, the Director of Pub-

lic Utilities was authorized to enter into a second amendment to Contract No. 66347 for additional services and to extend the term to a 38-month period; and

Whereas, the City has determined it requires additional support services to implement waste collection billing, stormwater fees billing, and monthly billing and wishes to extend the contract term, as previously extended, until the earlier of 17 months after expiration of the current term or the satisfactory performance of additional services having a total value equal to the proposed cost for the additional services; and

Whereas, Ordinance No. 1036-07, passed by the Cleveland City Council on August 8, 2007, authorized the Director of Public Utilities to enter into contract amendments relative to contracts entered into for services related to the CIS/CRM project; and

Whereas, TMG Consulting, Inc. has proposed by its memorandum dated January 27, 2010 to render, the additional support services necessary to implement waste collection billing, stormwater fees billing, and monthly billing and to extend the contract term, as previously extended, until the earlier of 17 months after expiration of the current term or the satisfactory performance of additional services having a total value equal to the proposed costs for the additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a third modification to City Contract No. 66347 with TMG Consulting, Inc., on the basis of TMG Consulting, Inc.'s January 27, 2010 proposal, for the abovementioned additional services and increasing the contract amount by \$2,399,376.00 to \$9,997,769.00. The third modification shall be prepared by the Director of Law and shall include such additional provisions as that Director deems necessary to benefit and protect the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by TMG Consulting, Inc. for the listed additional dollar amounts for services under the third modification authorized above is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Solar Systems Networking, Inc. (FBE)	\$479,875.00 20.00%
ROI Consulting Inc.	\$407,749.00 16.99%
Milestone Software Solution	\$390,192.00 16.26%

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Wasik.

**Resolution No. 60-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Thatcher Company of New York, except for such terms and conditions as are unacceptable to the Director of Law, for an estimated quantity of powdered activated carbon, Option 1, items 1A-1C, for the Division of Water, Department of Public Utilities, for a period of one year, starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on November 25, 2009 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$264,656.00 (0%, N 30 from date of shipment), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition Nos. 199031; 199032; 199033 and 199034 which shall be certified against the contract in the sum of \$200,000.00 (\$50,000.00 each).

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

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Wasik.

**Resolution No. 61-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Co. for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 1, item 1-all items, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on October 9, 2009, under the authority of Ordinance No. 503-09, passed June 1, 2009, which on the basis of the estimated quantity would amount to \$55,000.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 199062 which shall be certified against such contract in the sum of \$5,000.00.

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

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Wasik.

**Resolution No. 62-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Stroud Engineering Services, Inc. for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 2, item 4-all items, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on October 9, 2009, under the authority of Ordinance No. 503-09, passed June 1, 2009, which on the basis of the estimated quantity would amount to \$61,420.16 is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 199199 which shall be certified against such contract in the sum of \$5,000.00.

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

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Wasik.

**Resolution No. 63-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of RFL Electronics Inc. for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 1, item 6-all items, for the Divisions of Water, Water Pollution Control, and

Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on October 9, 2009, under the authority of Ordinance No. 503-09, passed June 1, 2009, which on the basis of the estimated quantity would amount to \$61,410.00 (0%, Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 199090 which shall be certified against such contract in the sum of \$31,000.00.

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

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Wasik.

**Resolution No. 64-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Process Control Services, Inc. for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 2, item 2-all items, item 3-all items, and item 5-all items, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on October 9, 2009, under the authority of Ordinance No. 503-09, passed June 1, 2009, which on the basis of the estimated quantity would amount to \$269,744.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 199186 which shall be certified against such contract in the sum of \$13,500.00.

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

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Wasik.

**Resolution No. 65-10.**

By Director Rush.

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

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

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 013-27-102, located at 4365 West 50th Street from HUD; and

Whereas, Old Brooklyn Community Development Corporation has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 013-27-102 to Old Brooklyn Community Development Corporation is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Wasik.

**Resolution No. 66-10.**

By Director Rush.

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

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

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 011-05-009, located at 2311 Montclair from HUD; and

Whereas, Old Brooklyn Community Development Corporation has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 011-05-009 to Old Brooklyn Community Development Corporation is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Wasik.

**Resolution No. 67-10.**

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

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

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 015-20-121, located at 3126 Chestnutdale from HUD; and

Whereas, Thomas P. Corrigan has proposed to the City to purchase the

property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 015-20-121 to Thomas P. Corrigan is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Director Triozzi, Acting Director Hardy, Directors Withers, R. Smith, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director West, Directors Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Wasik.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

REYNALDO GALINDO,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 8, 2010

9:30 A.M.

**Calendar No. 10-17:** 5608 Hough Avenue (Ward 7)

LTF 55 Properties Ltd, owner, and Tomco Metal Fabricating, lessee, appeal to establish use as a commercial scrap, salvage metal operation on a 61' x 114.67' parcel in a Semi-Industry District contrary to Section 345(c)(33) and first permitted in a General Industry District in accordance with Section 345.04(3) that requires the use to be completely enclosed by a minimum seven foot high non-transparent fence, contrary to an unspecified chain link fence that partially encloses the premises; and compliance with Section 349.04(j) requires parking at the rate of one for each two employees or a total parking area equivalent to 10 percent of the gross floor area, whichever is greater; and no paved areas nor parking areas are provided, contrary to Section 349.07(a) where all vehicle maneuvering and parking areas must be paved with concrete or asphaltic concrete, or a surface approved by the Building Commissioner, as stated in the Cleveland Codified Ordinances.

**Calendar No. 10-18:** 5614 Hough Avenue (Ward 7)

LTF 55 Properties Ltd, owner, and Tomco Metal Fabricating, lessee, appeal to establish use as a commercial scrap, salvage metal operation on a 61' x 114.67' parcel in a Semi-Industry District contrary to Section 345(c)(33) and first permitted in a General Industry District in accordance with Section 345.04(3) that requires the use to be completely enclosed by a minimum seven foot high non-transparent fence, contrary to an unspecified chain link fence that partially encloses the premises; and compliance with Section 349.04(j) requires parking at the rate of one for each two employees or a total parking area equivalent to 10 percent of the gross floor area, whichever is greater; and no paved areas nor parking areas are provided, contrary to Section 349.07(a) where all vehicle maneuvering and parking areas must be paved with concrete or asphaltic concrete, or a surface approved by the Building Commissioner, as stated in the Cleveland Codified Ordinances.

**Calendar No. 10-19:** 5616 Hough Avenue (Ward 7)

LTF 55 Properties Ltd, owner, and Tomco Metal Fabricating, lessee, appeal to establish use as a commercial scrap, salvage metal operation on a 61' x 114.67' parcel in a Semi-Industry District contrary to Section 345(c)(33) and first permitted in a General Industry District in accordance with Section 345.04(3) that requires the use to be completely enclosed by a minimum seven foot high non-transparent fence, contrary to an unspecified chain link fence that partially en-

closes the premises; and compliance with Section 349.04(j) requires parking at the rate of one for each two employees or a total parking area equivalent to 10 percent of the gross floor area, whichever is greater; and no paved areas nor parking areas are provided, contrary to Section 349.07(a) where all vehicle maneuvering and parking areas must be paved with concrete or asphaltic concrete, or a surface approved by the Building Commissioner, as stated in the Cleveland Codified Ordinances.

Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 22, 2010

At the meeting of the Board of Zoning Appeals on Monday, February 22, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

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

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

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

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

**Calendar No. 10-14:** 11200 Glenboro Avenue (Ward 2)

Geneva Childress appealed to erect a wheelchair lift on a parcel in a One-Family District.

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

Eric Kunde, owner, and Chris McNeill, tenant, appealed to establish use for body piercing and tattooing in an existing building in a Local Retail Business District.

**Calendar No. 09-218:** 1616 West 25th Street - Units B and C (Ward 3)

Ojala Properties LLC, owner, and Wael Ayyad, tenant, appealed for expansion of a restaurant to include live entertainment in a General Retail Business District; subject to conditions.

**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.

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

The following appeal was **Withdrawn:**

None.

The following appeal was **Postponed**:

**Calendar No. 10-12:** Appeal Notice and Order of Declaration of Nuisance — 4325 West 49th Street (Ward 13) postponed from March 1 to March 29, 2010.

The following appeal was **Dismissed**:

None.

The following appeals heard by the Board on February 16, 2010 were adopted and approved on February 22, 2010.

The following appeals were **Approved**:

**Calendar No. 10-1:** 11810 Union Avenue (Ward 6)

Humility of Mary Housing, Inc. appealed to erect a 40 unit apartment building for the elderly on a parcel located in a Two-Family District.

**Calendar No. 10-8:** 10404 Lorain Avenue (Ward 17)

Giachetti Brothers Investments Inc, owners, and Mike Nicholas, tenant, appealed to establish use for a vehicle repair garage in a General Retail Business District; subject to condition.

The following appeal heard by the Board on February 1, 2010 was adopted and approved on February 22, 2010.

The following appeal was **Approved**:

**Calendar No. 10-2:** 9208 Detroit Avenue (Ward 16)

Brian Lyons appealed to establish use as a bar with entertainment in an existing one-story building in a General Retail Business District; subject to landscaping and parking plan.

Secretary

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

Re: Report of the Meeting of  
February 3, 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-33-09.

RE: Appeal of Karas Properties, Inc., Owner of the Property located on the premises known as 4900 West 150th Street from a NOTICE OF VIOLATION, dated December 22, 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).

No action this date, the docket will be rescheduled for May 12, 2010.

\* \* \*

### Docket A-265-09.

RE: Appeal of Beautiful Signage, Ltd. & Marketing Holdings Inc., Owners of the S-1 Storage — Moderate Hazard (Combustibles) High-Rise Building located on the premises known as 2000 West 14th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 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 find that if Bojack's Meat & Poultry, Inc. does not comply with the order in (Docket A-279-09), that the property is REMANDED to the Department of Building and Housing for negotiations between Beautiful Signage, Ltd. & Marketing Holdings Inc. and the Building Department for submission of drawings for obtaining permits; and that Beautiful Signage, Ltd. & Marketing Holdings Inc. is restricted from access to the building. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

### Docket A-279-09.

RE: Appeal of Bojack's Meat & Poultry, Inc., Owner of the S-1 Storage — Moderate Hazard (Combustibles) High-Rise Building located on the premises known as 2000 West 14th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 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 require a permit be applied for by 5:00 P.M. today (February 3, 2010): The work is to be completed by March 31, 2010, as stated in Bojack's Meat & Poultry, Inc.'s business plan. 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.

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### Docket A-282-09.

RE: Appeal of Terry Garrett, Owner of the E-2 Multi Family Three Story Masonry Property located on the premises known as 1835 East 79th Street from a 30 DAY CONDEMNATION ORDER, dated April 23, 1999 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 find that the Violation Notice, was issued properly. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting the Owner's inability to maintain the property. 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-304-09.

RE: Appeal of Christopher R. Moore, Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 3505 Woodbine Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 26, 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 and 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. Bradley and seconded by Mr. Gallagher.

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

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### Docket A-310-09.

RE: Appeal of William F. Calderwood, Owner of the One Dwelling Unit Single-Family Residence One and One-half Story Frame Property located on the premises known as 2044 West 83rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 4, 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 2044 West 83rd Street 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-313-09.

RE: Appeal of Graciela DiBlasi, Owner of the Mixed Uses — Multiple Uses In One Building Three Story Masonry Walls/Wood Floors Property located on the premises known as 3228 Lorain Avenue from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated September 29, 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 find that the 30 Day Condemnation Order — Main Structure was properly issued, and to REMAND the property at 3228 Lorain Avenue to the Department of Building and Housing for supervision and any required further action, noting the apparent unsafe conditions by photographs presented. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-317-09.**

RE: Appeal of Debra Wilson, Owner of the Two Dwelling Units Two and One/half Story Frame Residential Property located on the premises known as 7708 Star Avenue from a 30 DAY CONDEMNATION ORDER — MS, dated December 23, 2002 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-317-09 have been POSTPONED; to be rescheduled for February 17, 2010.

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**Docket A-319-09.**

RE: Appeal of Eda Pustl, Owner of the Mixed Uses — Multiple Uses In One Building Two and One/half Story Frame Property located on the premises known as 1191 Norwood Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 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 find that Condemnation Order — Main Structure was properly issued, and to REMAND the property at 1191 Norwood Road to the Department of Building and Housing for supervision and any required further action, noting the apparent unsafe conditions by photographs presented. 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-321-09.**

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 1807 Denison Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 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 find that Condemnation Order — Main Structure was properly issued, and to DENY the Appellant's request for addition-

al time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting the apparent unsafe conditions by photographs presented. 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-322-09.**

RE: Appeal of Global Market Sales Co. USA Ltd., Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) Two and One/half Story Wood Frame/Siding Masonry Veneer Property located on the premises known as 1231 East 61st Street from a 30 DAY DETERIORATED CONDEMNATION ORDER — MAIN STRUCTURE, dated March 15, 2007 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 six (6) months in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-323-09.**

RE: Appeal of Laveata G. White, Owner of the One Dwelling Unit Single Family Residence Two and One/half Story Frame Property located on the premises known as 10414 Somerset Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 26, 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 three (3) months in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

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**Docket A-324-09.**

RE: Appeal of Ronald Henry, Owner of the One Dwelling Unit Single Family Residence Two Story Frame Property located on the premises known as 2933 East 104th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 27, 2009 of the Direc-

tor 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 three (3) months in which to abate the violations, noting that with satisfactory progress, the time can be extended: 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-325-09.**

RE: Appeal of Rhonda M. Warr, Owner of the One Dwelling Unit Single Family Residence Two and One/half Story Frame Property located on the premises known as 12704 Woodside Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 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).

Docket A-325-09 have been POSTPONED; to be rescheduled for February 27, 2010.

\* \* \*

**Docket A-326-09.**

RE: Appeal of William J. & Nancy L. Dix, Owners of the One Dwelling Unit Single Family Residence Two and One/half Story Frame Property located on the premises known as 2055 West 13th Place from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 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).

Docket A-326-09 has been WITHDRAWN.

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**Docket A-327-09.**

RE: Appeal of Bradley B. Gibbs, Owner of the One Dwelling Unit Single Family Residence Two and One/half Story Frame Property located on the premises known as 2053 West 13th Place from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 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).

Docket A-327-09 has been WITHDRAWN.

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**Docket A-328-09.**

RE: Appeal of Anita Hinkle, Owner of the One Dwelling Unit Single Family Residence Two and

One/half Story Frame Property located on the premises known as 2059 West 13th Place from a NOTICE OF VIOLAITON — EXTERIOR MAINTENANCE, dated August 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).

Docket A-328-09 has been WITHDRAWN.

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**Docket A-16-10.**

RE: Appeal of Karas Properties, Inc. C/O The Shelly Co., Owner of the Property located on the premises known as 4900 West 150th Street from a NOTICE OF VIOLATION, dated December 22, 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).

No action this date, the docket will be rescheduled for May 12, 2010.

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**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-230-09—Bridget Harper.
- A-289-09—Kim & Michael Podmore.
- A-292-09—Ernestine Underwood.
- A-294-09—Verna & Gary M. Bencie.
- A-302-09—Charisse Green.
- A-303-09—Ron DeAtley.
- A-305-09—Countrywide Home Loans, Inc.
- A-306-09—California National Bank.
- A-307-09—Carnell Austin.
- A-311-09—Kyle Gould.
- A-314-09—Troy D. Landres.
- A-316-09—Playhouse Square Foundation.

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

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**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

January 20, 2010

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

\* \* \*

Secretary

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

Re: Report of the Meeting of February 17, 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:

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**Docket A-268-09.**

RE: Appeal of Richard Whitt, Owner of the B Business — Offices, Laboratories, Adult School Two Story Masonry Property located on the premises known as 4363 Jennings Road from a NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, dated July 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).

Docket A-268-09 has been WITHDRAWN at the request of the Appellant.

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**Docket A-312-09.**

RE: Appeal of Brandon Partners, Owner of the F-2 Factory — Low Hazard (Non-combustibles) Two Story Masonry Walls/Wood Floors Property located on the premises known as 3301 Monroe Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, 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 require that permits be updated within thirty (30) days. The Appellant is granted one hundred twenty (120) days in which to abate the violations and to require an update from the inspector in sixty (60) days to be certain that substantial progress is being made or that substantial progress is not being made. 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. Bradley.

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

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**Docket A-315-09.**

RE: Appeal of The Phillips & Huntley Group, LLC, Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) Two Story Masonry Property located on the premises known as 2423 East 63rd Street 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 sixty (60) days in which to accomplish the required property readiness for disposition to be demolished. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required fur-

ther action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

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**Docket A-317-09.**

RE: Appeal of Debra Wilson, Owner of the Two Dwelling Units Two and One/half Story Frame Residential Property located on the premises known as 7708 Star Avenue from a 30 DAY CONDEMNATION ORDER — MS, dated December 23, 2002 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-317-09 have been POSTPONED; to be rescheduled for March 03, 2010.

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**Docket A-318-09.**

RE: Appeal of Jeffrey W. Powers, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 1389 East 109th Street from a CONDEMNATION ORDER — MS, dated July 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 fourteen (14) days in which to obtain permits and six (6) months 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. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-325-09.**

RE: Appeal of Rhonda M. Warr, Owner of the One Dwelling Unit Single Family Residence Two and One/half Story Frame Property located on the premises known as 12704 Woodside Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 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 fourteen (14) days in which to obtain permits and sixty (60) 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. Saunders and seconded by Mr. Bradley.

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

**Docket A-329-09.**

RE: Appeal of James Jugl, Owner of the One Dwelling Unit Single-Family Residence One and One-half Story Frame Property located on the premises known as 5027 Anson Avenue from a 30 DAY DETERIORATED CONDEMNATION ORDER — MAIN STRUCTURE, dated June 1, 2007 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 5027 Anson Avenue 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-330-09.**

RE: Appeal of Brad L. Bell, Owner of the Property located on the premises known as 2798 East 79th Street from a LIMITATION ON THE PERMITS, dated August 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 all required permits and six (6) months in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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**Docket A-331-09.**

RE: Appeal of Daphne M. Davis, Owner of the Three Dwelling Units Three-Family Residence Two and One-half Story Frame Property located on the premises known as 5702 Franklin Avenue 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 fourteen (14) days in which to file an appeal and obtain all building permits, and four (4) months 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. Saunders and seconded by Mr. Gallagher.

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

**Docket A-332-09.**

RE: Appeal of Gilberto Mendez Jr., Owner of the One Dwelling Unit Single Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 7708 Franklin Boulevard from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 4, 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 7708 Franklin Boulevard 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-333-09.**

RE: Appeal of Albert J. Hornyak, 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).

Docket A-333-09 have been POSTPONED; to be rescheduled for March 17, 2010.

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**Docket A-334-09.**

RE: Appeal of Durham Construction, Owner of the Two Dwelling Units Two-Family Residence Garage Property located on the premises known as 3112 Albion Road from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated February 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 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-336-09.**

RE: Appeal of Scott D. Simpkins, Owner of the One Dwelling Unit Single Family Residence Two and One-half Story Frame Property located on the premises known as 1331 West 112th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August

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).

Docket A-336-09 has been POSTPONED; to be rescheduled for.

\* \* \*

**Docket A-337-09.**

RE: Appeal of Tomicka Martin, Owner of the One Dwelling Unit Single Family Residence One Story Garage — Detached; Wood Frame Property located on the premises known as 5181 Fowler Avenue from a CONDEMNATION ORDER — GARAGE, 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 5181 Fowler Avenue to the Department of Building and Housing for supervision and any required further action, noting that the Appellant has not appeared and that the property is in poor repair and that the Violation Notice was properly issued. 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-338-09.**

RE: Appeal of Abraham David, Owner of the One Dwelling Unit Single Family Residence Two and One-half Story Frame Property located on the premises known as 2816 East 125th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 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 two (2) Weeks in which to abate the interior nuisance violations and four (4) months 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. Saunders and seconded by Mr. Bradley.

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

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**Docket A-339-09.**

RE: Appeal of Charmaine Roman, Owner of the Two Dwelling Units Two-Family Residence One and One-half Story Frame Property located on the premises known as 3678 East 149th Street from a NOTICE OF VIOLATION — INTERIOR/ EXTERIOR MAINTENANCE, dated September 10, 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).



Docket A-339-09 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-340-09.**

RE: Appeal of Timothy Capps, Owner of the M Mercantile — Retail Shops, Carry-out Food Shops One Story Masonry Walls/Wood Floors Property located on the premises known as 14627 St. Clair Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 3, 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, that after reviewing the plans, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all 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. Saunders and seconded by Mr. Gallagher.

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

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**Docket A-341-09.**

RE: Appeal of Timothy Capps, Owner of the Mixed Uses — Multiple Uses In One Building Two Story Masonry Property located on the premises known as 995 East 79th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 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 all 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. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-374-09.**

RE: Appeal of Michael & Kamal Elseikali, Owners of the Property located on the premises known as 4301-03 Clark Avenue from an ADJUDICATION ORDER, dated October 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 required variance and permit the building to be constructed as proposed with a wood skeletal structure and a metal siding and conventional roofing. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

**Docket A-21-10.**

RE: Appeal of Durham Properties, Ltd., Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 2451 West 11th Street from a 30 DAY CONDEMNATION ORDER — MS, dated June 10, 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 DENY the Appellants request for extension of time and to REMAND the property at 2451 West 11th Street 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. Saunders.

Yeas: Messrs. Denk, Saunders, Gallagher, Bradley. Nays: None. Not Voting: Mr. Saab.

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**Docket A-22-10.**

RE: Appeal of Durham Properties, Ltd., Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 2449 West 11th Street from a 30 DAY CONDEMNATION ORDER — MS, dated June 10, 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 DENY the Appellants request for extension of time and to REMAND the property at 2449 West 11th Street 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. Saunders.

Yeas: Messrs. Denk, Saunders, Gallagher, Bradley. Nays: None. Not Voting: Mr. Saab.

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**Docket A-24-10.**

RE: Appeal of FED/Main Street LLC, Owner of the Property located on the premises known as 1111 West 10th Street from an ADJUDICATION ORDER, dated January 21, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to Items 1 through 6, noting that the requirements are the results of an ownership situation and that the building structures, pertinences, and systems will all be code compliant with the exception of ownership encumbrances; and that the foundation encroachment will be approved as a building item with the requirement for an encroachment permit to be obtained from the City and for the record; that any additional future items will be heard by the Board of Building Standards and Building Appeals under current rules and regulations at that time; and that fire prevention and enforcement provisions are being discussed and must be approved by the Fire Prevention Bureau as part of the granting of the variances. The conditions imposed upon the Appellant are also imposed upon the

tenants for compliance with codes and rules and regulations. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

**EXTENSION OF TIME:**

**Docket A-208-08 — Tom Bell — 2441-43 Professor Street:**

A motion is in order at this time to grant the Appellant a six (6) month "Extension Of Time", but will request a report from the inspector in three (3) months as to the progress being made to see if the additional three (3) months is warranted. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-180-09 — Timothy Capps — 1139 East 145th Street:**

No action this date, the docket will be rescheduled for March 03, 2010.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-265-09—Beautiful Signage, Ltd. & Marketing Holdings Inc.
- A-279-09—Bojacks Meat & Poultry, Inc.
- A-282-09—Terry Garrett.
- A-304-09—Christopher R. Moore.
- A-310-09—William F. Calderwood.
- A-313-09—Graciela DiBlasi.
- A-319-09—Eda Pustl.
- A-321-09—Nick Dionisopoulos.
- A-322-09—Global Market Sales Co.
- A-323-09—Laveata G. White.
- A-324-09—Ronald Henry.

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

February 3, 2010

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

\* \* \*

Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

## CITY OF CLEVELAND BIDS

## For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

## THURSDAY, MARCH 4, 2010

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

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 25, 2010 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

## THURSDAY, MARCH 4, 2010

**File No. 40-2010 — Broadway Avenue Rehabilitation and Reconstruction From I-77 to East Corporation Limit,** for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 687-08, 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 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** TUESDAY, MARCH 2, 2010 AT 1:30 P.M. CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 17, 2010 and February 24 2010

## FRIDAY, MARCH 5, 2010

**File No. 38-2010 — Land Bank Lot #92 Demolition & Environmental Remediation,** For the Division of Community Development, Department of Community Development as authorized by Ordinance No. 1456-06 and Ordinance No. 1377-09, passed by the Council of the City of Cleveland, October 9, 2006 and October 12, 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 (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 25, 2010 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

February 17, 2010 and February 24 2010

## THURSDAY, MARCH 11, 2010

**File No. 37-2010 — Earle Avenue Sewer Replacement Project,** for Division of Water Pollution Control, Department of Public Utilities as authorized by Ordinance No. 396-09, passed by the Council of the City of Cleveland, June 5, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, FEBRUARY 26, 2010 AT 10:00 A.M. THE DIVISION OF WATER POL-

LUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

February 17, 2010 and February 24 2010

## FRIDAY, MARCH 12, 2010

**File No. 36-2010 — Miscellaneous Sized Steel Parts,** for the various Divisions of City Government, 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** FRIDAY, MARCH 5, 2010 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE, CLEVELAND, OHIO 44114.

February 17, 2010 and February 24 2010

## WEDNESDAY, MARCH 17, 2010

**File No. 39-2010 — Utility Poles Labor and materials to Test, Remove and Replace Deteriorating Utility Poles (Utility Pole Replacement),** for the Division of Cleveland Public Power, Department of Public Utilities as authorized by Ordinance No. 541-09, passed by the Council of the City of Cleveland, June 1, 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 (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 25, 2010 AT 10:00 A.M. THE THOMAS L. JOHNSON BUILDING 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 17, 2010 and February 24 2010

## WEDNESDAY, MARCH 17, 2010

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

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

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

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

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

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

February 24, 2010 and March 3, 2010

**COUNCIL COMMITTEE MEETINGS**

**Thursday, February 18, 2010  
9:00 a.m.**

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

**Friday, February 19, 2010  
9:00 a.m.**

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

**Monday, February 22, 2010  
9:00 a.m.**

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

**Tuesday, February 23, 2010  
9:00 a.m.**

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

**Wednesday, February 24, 2010  
9:00 a.m.**

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

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